

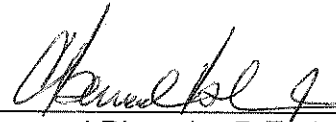
**2008 HOUSING PLAN ELEMENT AND FAIR SHARE PLAN
OF THE
BOROUGH OF RUMSON MASTER PLAN**

BOROUGH OF RUMSON
MONMOUTH COUNTY, NEW JERSEY

December 4, 2008

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INTRODUCTION

The Borough of Rumson has prepared this housing plan element and fair share plan in accordance with the requirements of the Mount Laurel Doctrine, the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-1 et. seq.), and the State Fair Housing Act (N.J.S.A. 52:27D-301 et. seq.). This plan updates and replaces the Borough's previously adopted Housing Element and Fair Share Plan, which was adopted by the Borough Planning Board on December 5, 2005, and was endorsed by the Governing Body on December 15, 2005. The December 2005 plan was submitted to the New Jersey Council on Affordable Housing (COAH) as part of the Borough's petition for substantive certification of its Cycle I, II and III Fair Share Plan under COAH's previously adopted Cycle III rules.

COAH adopted a revised set of substantive rules (N.J.A.C. 5:97-1 et seq.) that became effective in May 2008 and was further amended in October 2008. In addition, in July 2008 the Governor signed into law Assembly Bill A-500 (P.L.2008, c.46) that made further changes to COAH's regulations and requirements. Therefore, the Borough is required to revise its previously adopted Housing Plan Element and Fair Share Plan to conform to the new regulatory and statutory requirements. This plan represents the Borough's response to COAH's new Cycle III regulations.

COAH's current substantive rules presents a methodology for calculating a municipality's affordable housing obligation, consisting of three components. These include the rehabilitation share, which is a measure of old, overcrowded, deficient housing that is occupied by low and moderate income households, any remaining Prior Round (Cycles I and II) obligation for the period from 1987-1999, and the "growth share", which links the actual production of affordable housing with municipal development and growth. COAH calculates that the Borough of Rumson's rehabilitation share is zero, and the remaining Prior Round obligation is 268 units. The Borough's growth share obligation is 22 units as described in the following sections of this plan.

The Mount Laurel Doctrine

The New Jersey Supreme Court, in *Mt. Laurel I* (1975), held that a developing municipality must, through its land use regulations, create a realistic opportunity for an appropriate variety and choice of housing for all categories of people who may desire to live there, including those of low and moderate income (*Southern Burlington County NAACP v. The Township of Mount Laurel*, 675 N.J. 151, 336 A. 2d 713 (1975)).

As a result of *Mount Laurel I*, developing municipalities in the path of growth were obligated to provide for a mix of housing that addressed their fair share of the region's housing need. However, *Mount Laurel I* generally resulted in few housing opportunities for low and moderate households because many municipalities failed to use their powers to zone and provide a realistic opportunity for the provision of affordable housing.

The New Jersey Supreme Court, in *Mount Laurel II* (1983), held the following:

- *The existence of a municipal obligation to provide a realistic opportunity for a fair share of the region's present and prospective low and moderate income housing need, will no longer be determined by whether or not a municipality is 'developing'. The obligation extends, instead, to every municipality, any portion of which is designated by the state, through the SDGP (State Development Guide Plan, currently called the State Development and Redevelopment Plan), as a growth area.*
- *The lower income regional housing need is comprised of both low and moderate income housing. Low income housing need consists of households whose incomes do not exceed 50 percent of the median income of the area with adjustment for family size. Moderate income housing need consists of households whose income does not exceed 80 percent of the median income of the area with adjustment for family size (Southern Burlington County NAACP v. the Township of Mount Laurel, 92 N.J. 158, 456 A. 2d 390 (1983)).*

Under the doctrine established by the Supreme Court, a municipality that continued to use its power

to zone without consideration of its impact on low and moderate income households faced the prospect of loss of that power. Such municipalities faced the prospect of a court-ordered rezoning, or the so-called “builder’s remedy.” The essence of the landmark decision, however, was that municipalities should use their zoning powers and other related powers to facilitate, rather than obstruct, the provision of affordable housing.

The Fair Housing Act

In 1985, two years after *Mount Laurel II*, the State adopted the Fair Housing Act and created an administrative alternative to court action in addressing municipal compliance with *Mount Laurel II*. The Fair Housing Act establishes the Council on Affordable Housing (COAH) as the state agency responsible for identifying housing regions, estimating low and moderate income housing need, and providing regulations that guide municipalities in addressing their obligations. The stated intent of the act was to provide alternatives to the use of the builder's remedy as a method of achieving the provision of affordable housing.

As the State agency responsible for administering the Fair Housing Act, COAH establishes affordable housing guidelines and criteria. COAH estimates the total lower income housing need statewide, organizes the State into housing regions, and allocates a share of the regional housing need to each municipality in the region. COAH also identifies those circumstances where an “adjustment” to a municipality’s fair share is appropriate. Finally, COAH identifies the types of housing activities and programs that will be readily recognized as credits or reductions to the municipal fair share.

Municipal Planning Responsibility

Each municipality is obligated to plan to meet its fair share of the regional affordable housing need. The New Jersey Municipal Land Use Law enables a municipality to adopt a zoning ordinance to regulate land use provided that the municipality has also adopted a master plan that includes a land use element and a housing element.

Mandatory Contents of the Housing Element

Pursuant to the Fair Share Housing Act at N.J.S.A. 52:27D-310, the essential components of a local housing element are as follows:

- *An inventory of the municipality's housing stock by age, condition, purchase or rental value, occupancy characteristics, and type, including the number of units affordable to low and moderate income households and substandard housing capable of being rehabilitated.*
- *A projection of the municipality's housing stock, including the probable future construction of low and moderate income housing, for the next six years, taking into account, but not necessarily limited to, construction permits issued, approvals of applications for development and probable residential development of lands.*
- *An analysis of the municipality's demographic characteristics, including but not necessarily limited to, household size, income level, and age.*
- *An analysis of the existing and probable future employment characteristics of the municipality.*
- *A determination of the municipality's present and prospective fair share for low and moderate income housing and its capacity to accommodate its present and prospective housing needs, including its fair share for low and moderate income housing.*
- *A consideration of the lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.*

In addition, COAH's substantive rules (N.J.A.C. 5:97) for the period from January 1, 2004 through December 31, 2018 require the following:

- *The household projection for the municipality as provided in Appendix F of N.J.A.C. 5:97;*
- *The employment projection for the municipality as provided in Appendix F of N.J.A.C. 5:97;*
- *The municipality's prior round obligation as provided in Appendix C of N.J.A.C. 5:97;*
- *The municipality's rehabilitation share as provided in Appendix B of N.J.A.C. 5:97; and,*
- *The projected growth share in accordance with the procedures in N.J.A.C. 5:97-2.4.*

Permitted Adjustments to Affordable Housing Obligation

In adopting the housing element, the municipality may adjust the new construction component of its obligation for the first and second housing cycles through a detailed process known as a vacant land adjustment. If a municipality secures such an adjustment, the portion of its Cycle I and II new construction component that it lacks adequate vacant land to address is known as the “unmet need.” COAH sets forth various techniques that may be required of municipalities to address their unmet need. Specifically, COAH adopted N.J.A.C. 5:97-5.3(b). Among the mechanisms suggested by COAH include:

1. Zoning amendments that permit apartments or accessory apartments in accordance with N.J.A.C. 5:97-6.8;
2. A market to affordable program in accordance with N.J.A.C. 5:97-6.9;
3. Overlay zoning requiring inclusionary development in accordance with N.J.A.C. 5:97-6.4. In approving an overlay zone, the Council may allow the existing use to continue and expand as a conforming use, but provide that when the prior use on the site is changed, the site shall produce low and moderate income housing;
4. A redevelopment area that includes affordable housing pursuant N.J.A.C. 5:97-6.6, utilizing the standards in N.J.A.C. 5:97-6.4(b); and/or
5. The adoption of a development fee ordinance pursuant to N.J.A.C. 5:97-8.3 and a plan for the use of development fees pursuant to N.J.A.C. 5:97-8.10.

As described later in this plan, the Borough has chosen to use accessory apartments and mixed-use overlay zones to address its unmet need. In addition, the Borough has adopted a development fee ordinance and is collecting fees for the purposes of affordable housing in accordance with COAH's regulations.

To the extent that a municipality has any "RDP" or realistic development potential, COAH provides a menu of techniques a municipality could utilize to address that portion of its RDP. The Borough has conducted a vacant analysis; determined that it has an RDP of zero and an unmet need of 268 and conducted a vacant land analysis. (See Vacant Land Inventory and Analysis Report, dated August 7, 2003, incorporated by reference. Appendix A.) If at some point in time, COAH determines that Rumson has an RDP greater than zero, the Borough reserves the right to use any appropriate and applicable technique permitted under COAH's regulations to address its RDP either through the measures specified in this plan and/or other measures.

ANALYSIS OF DEMOGRAPHIC, HOUSING AND EMPLOYMENT CHARACTERISTICS

As required by N.J.S.A.52:27D-310, all housing elements must contain a discussion of the community's demographic, housing, and economic characteristics. In fulfillment of this requirement, the following sections profile the Borough of Rumson with information obtained from the U.S. Census Bureau, the North Jersey Transportation Planning Authority, and the New Jersey Department of Labor and Workforce Development.

Rumson's Demographics

At the time of the 2000 U.S. Census, the Borough of Rumson had a population of 7,137 residents (Table 1). This figure represents a 6.5 percent increase from the population of 6,701 residents that was reported in 1990. By contrast, the population of Monmouth County grew by 11.2 percent during the same time period. As indicated by the North Jersey Transportation Planning Authority (NJTPA)'s population projections, the Borough and the County will continue to grow, reaching respective populations of 7,300 and 713,000, by the year 2030. Based on these projections, the Borough can expect to increase its population by approximately 2.3 percent over the next quarter-century, slower than the County's growth rate of 15.9 percent.

Table 1: Population Trends, 1990-2005

| | 1990 | 2000 | 2005 | 2030 | % Change 1990-2000 | % Change 2000-2005 | % Change 2000-2030 |
|--------------------------|---------|---------|---------|---------|--------------------------|--------------------------|--------------------------|
| Borough of Rumson | 6,701 | 7,137 | 7,180 | 7,300 | 6.5 | 0.6 | 2.3 |
| Monmouth County | 553,124 | 615,301 | 639,500 | 713,000 | 11.2 | 3.9 | 15.9 |

Source: US Census Bureau, North Jersey Transportation Planning Authority

According to the 2000 U.S. Census, the Borough's population is composed of 2,452 households, with an average household size of 2.91 members (Table 2). The average household size is greater than both the State of New Jersey's average of 2.68 and the County's average of 2.70 persons per household. The Borough's percentage of population over 65 years of age, 12.8 percent, is higher than the County, but lower than the state. The median household income in Rumson is higher than both County and State medians.

Table 2: Demographic Indicators, 2000

| | Number of Households | Average Household Size | Median Age | % of Population ≥ 65 years | Median Household Income |
|--------------------------|----------------------|------------------------|------------|----------------------------|-------------------------|
| Borough of Rumson | 2,452 | 2.91 | 39.2 | 12.8 | \$120,865 |
| Monmouth County | 224,236 | 2.70 | 37.7 | 12.5 | \$64,271 |
| New Jersey | 3,064,645 | 2.68 | 36.7 | 13.2 | \$55,146 |

Source: US Census Bureau

According to the 2000 U.S. Census, the Borough's median age of 39.2 years is higher than both the statewide median age of 36.7 years and the County's median age of 37.7 years (Table 2). As shown in Table 3, there were 528 pre-school age residents in 2000, or 7.4 percent of the Borough's population. School age children accounted for 1,850 residents, or 26 percent of the total population. Working age persons accounted for 53.9 percent of the Borough's population, with 3,845 individuals. Seniors aged 65 years and older accounted for 12.8 percent of Rumson's population.

Table 3: Population by Age, 2000

| | Number | % of Total |
|-----------------------|--------|------------|
| Pre-School Age | | |
| Under 5 Years | 528 | 7.4 |
| School Age | | |
| 5 to 9 Years | 713 | 10.0 |
| 10 to 14 Years | 703 | 9.9 |
| 15 to 19 Years | 434 | 6.1 |
| Working Age | | |
| 20 to 24 Years | 149 | 2.1 |
| 25 to 34 Years | 579 | 8.1 |
| 35 to 44 Years | 1,319 | 18.5 |
| 45 to 54 Years | 1,132 | 15.9 |
| 55 to 59 Years | 427 | 6.0 |
| 60 to 64 Years | 239 | 3.3 |
| Senior Age | | |
| 65 Years and Older | 914 | 12.8 |

Source: US Census Bureau

Rumson's Housing Stock

According to the 2000 U.S. Census, Rumson had a total of 2,610 housing units (Table 4). This was a decrease of 11 units since the 1990 U.S. Census. Of this total, 2,452 units (93.9 percent) were listed as occupied in 2000; owners occupied 90 percent of these units and renters occupied 10 percent. This is less than half the rate of renter-occupied units in Monmouth County, which reported that 25.4 percent of all occupied housing units were occupied by renters.

Of the total 2,452 households, the average household size was 2.91 persons and the average family size was 3.29 persons. These figures are larger than the County and State figures. Of the total number of households, family households accounted for 1,989 (81.1 percent) and non-family households¹ for 463 (18.9 percent). Householders 65 years of age or older were present in 194 (7.9 percent) of households.

A total of 68.5 percent of the Borough's housing stock was constructed before 1960. The median year of construction, 1952, is older than the County's median year of 1967 and the State's median year of 1962. The Borough's housing stock decreased by approximately 0.4 percent from 1990 to 2000.

The housing stock in Rumson had no substandard units (units lacking complete plumbing and/or kitchen facilities) at the time of the 2000 U.S. Census. In addition, none of the Borough's housing units exhibited overcrowded conditions (1.01 persons or more per room).

The 2000 median value of the owner-occupied housing units in Rumson was \$455,300. This is substantially higher than both the County and State median home values of \$203,100 and \$170,800,

¹ A non-family household consists of a householder living alone or where the householder shares the home

respectively. Rumson's median gross rent of \$1,187 per month is also higher than the County and State median gross rents of \$759 and \$751, respectively.

Table 4: Housing Characteristics, 2000

| | Number | % of Total |
|---|-----------|------------|
| I. Housing Units | | |
| Number of units | 2,610 | 100.0 |
| Occupied Housing Units | 2,452 | 94.0 |
| Number of units (1990) | 2,621 | 100.0 |
| Vacant Housing Units | 158 | 6.0 |
| II. Occupancy/Household Characteristics | | |
| Number of Households | 2,452 | 100.0 |
| Persons Per Household | 2.91 | N/A |
| Family Households | 1,989 | 81.1 |
| Non-Family Households | 463 | 18.9 |
| Householders 65 and over | 194 | 7.9 |
| III. Year Structure Built | | |
| 1999 to March 2000 | 9 | 0.3 |
| 1995 to 1998 | 71 | 2.7 |
| 1990 to 1994 | 57 | 2.2 |
| 1980 to 1989 | 134 | 5.1 |
| 1970 to 1979 | 271 | 10.4 |
| 1960 to 1969 | 279 | 10.7 |
| 1940 to 1959 | 893 | 34.2 |
| 1939 or earlier | 896 | 34.3 |
| IV. Condition of Units | | |
| Lacking complete plumbing facilities | 0 | 0.0 |
| Lacking complete kitchen facilities | 0 | 0.0 |
| V. Home Value (Owner Occupied Units) | | |
| \$500,000 and up | 985 | 46.6 |
| \$300,000 - \$499,000 | 497 | 23.5 |
| \$200,000 - \$299,999 | 350 | 16.6 |
| \$150,000 - \$199,000 | 180 | 8.5 |
| \$100,000 - \$149,000 | 87 | 4.1 |
| \$50,000 - \$99,999 | 13 | 0.6 |
| \$0 - \$50,000 | 0 | 0.0 |
| Median Value | \$455,300 | N/A |
| VI. Gross Rental Value (Renter Occupied Units) | | |
| \$1,500 and up | 42 | 18.6 |
| \$1,000 - \$1,499 | 112 | 49.6 |
| \$750 - \$999 | 14 | 6.2 |
| \$500 - \$749 | 29 | 12.8 |
| \$200 - \$499 | 8 | 3.5 |
| Less than \$200 | 0 | 0.0 |
| No cash rent | 21 | 9.3 |
| Median Rent | \$1,187 | N/A |

Source: US Census Bureau

Housing units that have a monthly cost of less than 30 percent of gross household income are considered affordable. In Rumson, 1,591 specified² owner-occupied units (75.3 percent of all owner-occupied units) and 95 renter-occupied units (42.1 percent of all rental units) are considered affordable (Table 5).

Table 5: Housing Affordability as a Percentage of 1999 Household Income

| | Number | % of Total |
|-------------------------------------|--------|------------|
| Selected Monthly Owner Costs | | |
| < 15% | 839 | 39.7 |
| 15% to 19% | 334 | 15.8 |
| 20% to 24% | 212 | 10.0 |
| 25% to 29% | 206 | 9.8 |
| 30% or more | 521 | 24.7 |
| Gross Rent | | |
| < 15% | 56 | 24.8 |
| 15% to 19% | 19 | 8.4 |
| 20% to 24% | 14 | 6.2 |
| 25% to 29% | 6 | 2.7 |
| 30% or more | 110 | 48.6 |
| Not Computed | 21 | 9.3 |

Source: US Census Bureau

Rumson's Employment Characteristics

At the time of the 2000 US Census, 3,047 of Rumson's residents (59.8 percent) aged 16 years and over were employed in the civilian labor force (Table 6). Almost 60 percent of the civilian labor force was involved in management, professional, and related occupations, while approximately 28.4 percent of those employed in the civilian labor force were employed in sales and office-related occupations. Service occupations employed 5.2 percent of Rumson residents that were employed in the civilian labor force. Construction, extraction, and maintenance-related occupations employed 4.5 percent of the Borough's residents, where as production, transportation and material-moving occupations employed 2.5 percent of the Borough's residents that were employed in the civilian labor force.

² Specified owner-occupied units do not include residences where a business activity (i.e., professional offices as an accessory use) takes place.

Table 6: Occupation of Employed Civilian Population Aged 16 and Over, 2000

| | Number | % of Total |
|---|--------|------------|
| Management, Professional, and Related | 1,763 | 59.4% |
| Service | 154 | 5.2% |
| Sales and Office | 844 | 28.4% |
| Farming, Fishing, and Forestry | 0 | 0.0% |
| Construction, Extraction, and Maintenance | 134 | 4.5% |
| Production, Transportation, and Material Moving | 74 | 2.5% |

Source: US Census Bureau

In 1999, the median household income in Rumson was \$120,865, up \$56,892 from the 1989 household income of \$63,973 (Table 7). After adjusting for inflation, however, this represents an increase in household income of just 28.9 percent. In 2000, per capita income was \$73,692, which places the Borough at 7 out of 566 municipalities (New Jersey Department of Labor and Workforce Development).

Table 7: Household Income, 1999

| | Number | % of Total |
|-----------------------------------|-----------|------------|
| Less than \$10,000 | 41 | 1.7% |
| \$10,000 to \$14,999 | 68 | 2.8% |
| \$15,000 to \$24,999 | 113 | 4.6% |
| \$25,000 to \$34,999 | 107 | 4.4% |
| \$35,000 to \$49,999 | 197 | 8.0% |
| \$50,000 to \$74,999 | 286 | 11.7% |
| \$75,000 to \$99,999 | 238 | 9.7% |
| \$100,000 to \$149,999 | 407 | 16.6% |
| \$150,000 to \$199,999 | 271 | 11.0% |
| \$200,000 or More | 726 | 29.6% |
| Median Household Income (Dollars) | \$120,865 | N/A |

Source: US Census Bureau

With regard to the number of jobs that are located within the Borough, the New Jersey Department of Labor indicates that there was an average of 1,516 jobs located within the municipality in 2006, which is the latest available data. This is down 36 jobs (2.3 percent) from the 2004 average of 1,552 jobs. The Department of Labor's basis for this information is the number of jobs that are covered by public unemployment and disability insurance.

MUNICIPAL AFFORDABLE HOUSING OBLIGATION

COAH's substantive rules indicate that a municipality's affordable housing obligation consists of three components. These include: the rehabilitation share, which is a measure of overcrowded and deficient housing that is occupied by low and moderate income households; the prior round obligation for the period from 1987 to 1999; and, the municipal "growth share" need for the period from 2004 through 2018. The growth share links the actual production of affordable housing to municipal development and growth.

Rehabilitation Obligation

Appendix B of N.J.A.C. 5:97 indicates that Rumson's rehabilitation obligation is zero (0) units. Therefore, the Borough does not have to include a rehabilitation component in its Fair Share Plan.

Total Remaining Prior-Round Obligation

Appendix C of N.J.A.C. 5:97 indicates that the Borough's total remaining prior-round obligation is 268 units, however the Borough is entitled to, and has conducted, a vacant land adjustment pursuant to N.J.A.C. 5:97-5.1 and 5.2. in order to reduce this obligation to a realistic development potential of 0 units. The Borough's vacant land adjustment report is included in this plan as Appendix A.

The difference between a Borough's total remaining obligation and its realistic development potential is known as its "unmet need." In the case of Rumson, the unmet need is 268 units (Total Remaining Obligation of 268 Units – Realistic Development Potential of 0 Units = Unmet Need of 268 Units). Pursuant to the provisions of N.J.A.C. 5:97-5.6, COAH may require a municipality to make provisions for meeting its unmet need. Such provisions include, but may not be limited to: zoning amendments that permit apartments or accessory apartments; overlay zoning requiring inclusionary development or a payment in lieu of construction; and zoning amendments that impose a development fee.

The Borough's mechanisms to address its unmet need of 268 units will be addressed in its Fair Share Plan.

Growth Share

COAH calculates a municipality's growth share based upon the household and employment projections of Appendix F of N.J.A.C. 5:97. This is a measure of both actual growth that has occurred in the Borough since 2004 and estimated growth that is anticipated to occur between 2008 and 2018. COAH's projections for housing and employment growth in the Borough and corresponding affordable housing obligations are set forth in Table 8.

Table 8: COAH Household and Employment Projections

| | COAH Projection (2004 to 2018) |
|-------------------------------------|---|
| Household Growth Projection | 72 |
| Employment Growth Projection | 115 |

It continues to be the Borough's opinion that COAH's projections of household and employment growth for Rumson drastically overstate the Borough's development potential given the lack of vacant developable land in Rumson. Indeed, Census indicators have actually shown a decrease the amount of residential units in Borough. Additionally, NJ Department of Labor statistics show a decline in actual employment in the Borough.

Much of the disparity on the residential growth projections lies in the fact that COAH currently does not allow for the subtraction of residential demolition permits from the residential certificate of occupancy (CO) data collected at the state level. Thus, the demolition and replacement of an existing house is considered a new residential unit that is added to the growth projection. In addition, many of the residential COs issued in the Borough are for additions or other modifications to existing residential structures rather than new demolition permits. These also are considered new units. Consequently, the Borough's residential growth is significantly overstated.

COAH has proposed new regulations that would address, in part, this issue. Accordingly, the Borough reserves the right to revisit its Cycle III affordable housing obligation in the future if COAH adopts different procedures for evaluating residential COs and demolitions and their

relationship to actual growth. However, for the purposes of this Fair Share Plan, the Borough is initially accepting COAH's growth share projections and is presenting a plan that addresses the 22 units of affordable housing that COAH has established for the Borough.

COAH's substantive rules specify that municipalities shall have a growth share obligation of one affordable housing unit for every five market-rate residential units created in a municipality from January 1, 2004 through December 31, 2018. Additionally, COAH specifies that one affordable housing unit shall be provided for every sixteen jobs created in the same period. Thus, the residential growth share obligation is calculated by applying the relationship of one affordable housing unit for every five market rate housing units to the housing growth projection of 72 units. Similarly, the non-residential growth share obligation is calculated by applying the relationship of one affordable housing unit for every 16 new jobs created to the adjusted employment growth projection of 115 new jobs. The resulting growth share obligation is shown in Table 9.

Table 9: Growth Share Obligation

| | COAH Projection | → | Growth Share Obligation |
|---|----------------------------|----------|------------------------------------|
| Household Growth Share Obligation | 72 | ÷ 5 = | 14.4 |
| Employment Growth Share Obligation | 115 | ÷ 16 = | 7.2 |
| Total Growth Share Obligation: | | | 21.6 → 22 units |

MUNICIPAL ABILITY TO ACCOMMODATE AFFORDABLE HOUSING OBLIGATION

The plan includes a determination of the municipality's present and prospective fair share for low and moderate income housing and an analysis of how existing or proposed zoning will provide adequate capacity to accommodate residential and non-residential growth projections.

Anticipated Land Use Patterns

The Borough of Rumson is a fully developed community, which has limited capacity for growth potential. As reflected in the Borough's 2003 Vacant Land Inventory and Analysis Report, although the Borough has 84.87 acres of vacant land in private ownership, the majority of this property is environmentally constrained. Given the developed nature of the Borough, the anticipated land use pattern in Rumson is projected to be the same as is currently in place.

Anticipated Demand for Types of Uses Permitted by Zoning Based on Present and Anticipated Future Demographic Characteristics

Rumson had a population of 7,137 at the time of the 2000 U.S. Census. According to the North Jersey Transportation Planning Authority (NJTPA), Rumson's population is expected to slowly increase, reaching 7,300 in 2030. The projected residential and non-residential growth for the Borough is the result of limited infill development and small scale, private redevelopment initiatives. Given the Borough's limited growth potential it is anticipated that the Borough's future development characteristics will be similar to the existing demographic characteristics. This is reflected in the Borough's current zone plan, which recognizes and supports the community's existing neighborhood character.

Availability of Existing and Planned Infrastructure

The Borough has an existing developed infrastructure and as a result no infrastructure expansions are currently planned. The entire Borough has existing water service and sewer service and the existing infrastructure has adequate capacity to handle the limited projected growth, including proposed affordable housing sites.

Economic Development Policies

Less than two percent or 39 acres of the Borough is currently zoned or developed commercially.

Given the limited area of commercial development, the Borough's four commercial districts have been developed at moderate or neighborhood-scale intensity with a minimum lot size in the range of 6,000 square feet to 12,000 square feet. As a result the Borough does not have any large-scale commercial areas. Given the small scale nature of the existing commercial uses, the Borough does not have any existing or proposed comprehensive economic development policies.

In addition, we note that most of the jobs in Rumson are in the four existing public and private schools, which is the major source of employment in the Borough. Growth in educational jobs is not anticipated because the population of the Borough (and student enrollments in the two public schools) is stable and the student population in the two private schools is capped by their approvals. Therefore, any economic development policies would not be relevant for these segments of the Borough's economic and employment base.

Constraints on Development

The limited land that may have potential for affordable housing development in the Borough can essentially be broken down into two distinct categories. The first category is property in or adjacent to the Rumson's limited commercial areas, which are currently zoned for small-scale commercial and/or residential development. The privately-owned properties in these areas are not significantly encumbered by environmentally constraints. These sites also are located adjacent to county roadways, have adequate access, and are near a range of services. Therefore, these areas can provide potential affordable housing opportunities. Such sites are recognized in the Borough's mixed-use overlay district and will be the likely location of the Borough's proposed municipally-sponsored affordable housing development. In fact the Rumson Zoning Board of Adjustment has already approved two projects in this area. Both of these projects are identified in the Borough's Fair Share Plan and are consistent with adopted amendments to the Borough's Development Regulations that will go into effect upon COAH's approval of the Borough's Plan. After such approval, the Planning Board will have jurisdiction over similar

applications since variances would not be necessary.

The second category is vacant land located in the larger lot residential areas. As noted in the Borough's vacant land inventory and analysis, these properties are primarily environmentally constrained as they are located within the 100-year floodplains and/or contain tributaries to a Category 1 waterway or wetlands. Most of these properties also are in very-low density areas or are adjacent to primarily large lot residential neighborhoods. As described in the vacant land analysis, these properties have been eliminated from the calculation of the Borough's realistic development potential.

Implementation Schedule

River Road Holdings: This project, which provided two (2) moderate and one (1) low-income affordable unit, was conditionally approved by the Rumson Zoning Board of Adjustment on October 18, 2005. Pursuant to the provisions of the Permit Extension Act (P.L.2008, c.78), this approval has been extended to July 2010. Further extensions may be available pursuant to the the Municipal Land Use Law, which includes provisions to allow for up to three (3) one year extensions of the approval.

Lafayette Mews (formally known as Victory Homes): This project is an inclusionary project with one (1) low and one (1) moderate income affordable unit. This application was conditionally approved by the Rumson Zoning Board of Adjustment at their November 18, 2008 meeting, subject to the submission of revised plans to address comments raised by the Board. Memorialization of a resolution of approval is anticipated at the December 2008 Zoning Board meeting. We anticipate that construction of these units may commence within 2 years of the date of approval by the Zoning Board.

100% Affordable Housing Site(s): The Borough will seek to identify a site or sites in or adjacent to the downtown commercial area within the next two years and will, alone or in partnership with a housing provider, implement or provide subsidies to its partner to implement affordable units.

Accessory Apartment Program: The Borough has entered into an agreement with Middletown Township to administer the Borough's accessory apartment program. The Borough is ready to begin implementing the program immediately upon the COAH's grant of substantive certification or as soon as possible thereafter.

Identification of Potential Affordable Housing Sites

The Fair Share Plan includes a consideration of lands that are most appropriate for construction of low and moderate income housing and of the existing structures most appropriate for conversion to, or rehabilitation for, low and moderate income housing, including a consideration of lands of developers who have expressed a commitment to provide low and moderate income housing.

FAIR SHARE PLAN

Components of the Fair Share

Pursuant to COAH's third round regulations, a municipality's fair share responsibility is based upon three components: (1) rehabilitation obligation; (2) total remaining obligation from prior rounds; and, (3) growth share obligation.

COAH's methodology defines the rehabilitation share of a municipality's affordable housing obligation as the number of substandard or deteriorated units that are occupied by low or moderate households based on 2000 Census data. As previously noted, COAH has assigned Rumson a rehabilitation obligation of zero (0) units.

The total remaining prior-round obligation assigned to the Borough by COAH's regulations is 268 units, however, as noted above, the Borough of Rumson is entitled to a vacant land adjustment, which reduces this obligation to a realistic development potential of zero units.

The Borough's growth share component accounts for new residential and nonresidential growth projected to be constructed in Rumson from January 1, 2004 through December 31, 2018. As described in the Growth Share Projection section of the Housing Element, Rumson has a growth share obligation of 22 affordable housing units. Rumson has conditionally accepted COAH's growth share projection of 22 units for the purposes of this plan.

Prior-round Obligation

COAH has established a prior-round obligation (Cycles I and II) for the Borough of 268 affordable units. However, municipalities are entitled to adjust the prior-round obligation based upon the lack of vacant developable land. The Borough recently conducted such an analysis (See Vacant Land Inventory and Analysis Report, prepared for the Borough by C. Bernard Blum, Jr., PE, P.P. and Stanley C. Slachetka, AICP, P.P., dated August 7, 2003), which is incorporated into this plan by reference. (See Appendix A) This report demonstrates that the Borough is entitled to

adjust its 268 prior-round responsibility to zero.

Evaluation of the Unmet Need

In order to address the unmet need, COAH regulations require an examination of a municipality's existing land use map and an identification of areas that could potentially develop or redevelop during the period covered by its substantive certification. According to COAH's rules:

Examples of such areas include, but are not limited to: a private club owned by its members; publicly owned land; downtown mixed use areas; high density residential areas surrounding the downtown; areas with a large aging housing stock appropriate for accessory apartments; properties that may be subdivided and support additional development; and any parcel(s) that has the potential to be redeveloped. [N.J.A.C. 5:97-5.2(c)(6)].

After the analysis described above, the Council may require any combination of the following in an effort to capture opportunities for affordable housing:

1. Zoning amendments that permit apartments or accessory apartments in accordance with N.J.A.C. 5:97-6.8;
2. A market to affordable program in accordance with N.J.A.C. 5:97-6.9;
3. Overlay zoning requiring inclusionary development in accordance with N.J.A.C. 5:97-6.4. In approving an overlay zone, the Council may allow the existing use to continue and expand as a conforming use, but provide that when the prior use on the site is changed, the site shall produce low and moderate income housing;
4. A redevelopment area that includes affordable housing pursuant N.J.A.C. 5:97-6.6, utilizing the standards in N.J.A.C. 5:97-6.4(b); and/or
5. The adoption of a development fee ordinance pursuant to N.J.A.C. 5:97-8.3 and a plan for the use of development fees pursuant to N.J.A.C. 5:97-8.10.

The Borough has examined its existing land use map and undertaken the analysis suggested by COAH's rules and has come to the following conclusions with respect to the options recommended by COAH:

- Private Club Owned by its Members: The Borough has two private clubs currently owned by its members – the Rumson Country Club located on Rumson Road in the southwestern portion of the Borough and the Seabright Lawn Tennis and Cricket Club located on Rumson Road in the eastern portion of the Borough. An overlay zone for multifamily housing over the Rumson Country Club would not create a realistic opportunity for the construction of affordable housing. The Rumson Country Club is member-owned, with recent improvements, and is highly unlikely to change use in the foreseeable future regardless of the zoning. A letter expressing the position of the Country Club with regard to its future development is attached as Appendix B. Further, the Borough is providing other, more realistic, options to capture opportunities for affordable housing as described below. The Lawn Tennis and Cricket Club is identified as a National Register Historic Landmark and, as such, is not appropriate for development or redevelopment.
- Downtown Mixed Use Areas: The Borough has areas located in the northern portion of the Borough near the Navesink River that contains a number of small non-residential uses that could potentially be redeveloped to include accessory residential apartments. These uses are located primarily in its GB, NB, and POB Zones. Accordingly, the Borough has adopted an overlay on these districts, which permits, as a conditional use, residential units in a mixed-use development scenario so long as minimum of 50 percent of the new units are deed restricted for affordable housing purposes. (See Appendix C.) This will go into effect when COAH approves the Borough's plan. The Borough's approach is described in further detail below.

- High Density Residential Areas Surrounding the Downtown: There are no existing high-density residential areas in the Borough or any such areas proximate to a commercial downtown core as contemplated by COAH's regulations.
- Areas with a Large Aging Housing Stock Appropriate for Accessory Apartments: An accessory apartment program would be realistic, given the range of housing types within the Borough. In fact, many of the Borough's larger estate homes have former maid and/or butler quarters, care-taker's residences, and accessory units that were created prior to the current zoning standards. There also are a variety of carriage houses, cabanas, and similar outbuildings located throughout the Borough that could be converted to accessory apartment units. Consequently, there is a significant opportunity to capture affordable housing through an accessory apartment program in the Borough given appropriate financial incentives to encourage the creation of new units and the conversion of existing accessory units for affordable housing. The Borough's has adopted an accessory apartment program, which is described below. (See Appendix C.) The Borough has received a number of inquiries concerning the program and expressions of interest from property owners concerning the creation of accessory units. (See Appendix D and E.) However, in accordance with N.J.A.C. 5:97-5.1(b), a municipality may apply all creditworthy units created after June 6, 1999 to its growth share after it satisfies its RDP. In the case of Rumson, the RDP is zero. Therefore, the Borough may apply units created as part of its accessory apartment program to satisfy its growth share obligation. Accordingly, Rumson has identified its accessory apartment program as a compliance mechanism addressing its growth share obligation as further detailed below.
- Properties that may be Subdivided and Support Additional Development: Rumson does have areas where residential lots are larger than the minimum lot standard in the district. However, in almost all instances, these are developed with large estate homes that are in keeping with the character and lot pattern of the surrounding low-density residential neighborhoods that are developed with similar residential dwellings. In many instances,

the existing residential dwellings and accessory structures are located in or proximate to the center of these sites. In analyzing the Borough's existing land use characteristics as contemplated in COAH's regulations, the Borough has concluded that there are no sites in Rumson where a large tract could reasonably be created by subdivision for the purpose of providing a high-density multi-family housing project that would be compatible with the Borough's established community character, development patterns, and residential densities.

- Parcels that have the Potential to be Redeveloped: The Borough does not have any areas that have been designated in need of redevelopment pursuant to the Local Redevelopment and Housing Law (LRHL), nor does it anticipate that any areas meet the statutory criteria necessary to be designated in need of redevelopment.

If at some point in time, COAH determines that Rumson has an RDP greater than zero, the Borough reserves the right to use any appropriate and applicable technique permitted under COAH's regulations to address its RDP either through the measures specified in this plan and/or other measures.

Mechanisms to Address the Cycle I and II Unmet Need

Development Fee Ordinance

Rumson has adopted a development fee ordinance designed in accordance with COAH's model and COAH has, in fact approved that ordinance. The ordinance applies to all new non-residential and residential development. The previously adopted development fee for non-residential development is two (2%) percent of equalized assessed value (EAV). In accordance with the requirements of P.L.2008, c.46, the Borough will amend its development fee ordinance to assign a fee of 2.5 percent of EAV. The development fee for eligible residential development is one (1%) percent of equalized assessed value. Improvements to existing dwellings resulting in a 25 percent or greater increase in floor area of the building are required to pay a fee proportional to the increase in equalized assessed value due to the improvements.

If there is a zoning change or use variance that permits increased residential or non-residential

development, the Borough's ordinance imposes a development fee of six (6%) percent of the equalized assessed value resulting from the additional units or floor area realized as a result of the rezoning or use variance. This provision also follows COAH's model.

In accordance with COAH's requirements, the proceeds from the development fee ordinance are deposited in a housing trust fund and will be used for COAH approved activities to address the Borough's low and moderate-income housing needs. The Borough has prepared a spending plan in accordance with COAH's model governing the future use of development fee monies.

Mixed-use Overlay Zones

The Borough has created a new mixed-use overlay option in the Borough's GB General Business; NB Neighborhood Business, and POB, Professional Office Business Zones. (See Figure 1) All these districts currently permit single-family residential development. The overlay ordinance permits the development of new mixed-use buildings or the conversion of existing non-residential uses to a mixed-use building in each of these districts, so long as the following conditions are met:

- A minimum of fifty (50) percent of the units must be affordable units.
- At least fifty percent of the affordable units shall be low-income units. If only one affordable unit is created in a project, the unit shall be a low-income unit.
- The apartment(s) designated as low- or moderate-income units may only be rented to a low- or moderate-income household at the time of the initial occupancy.
- The bulk requirements for non-residential development in the respective zone shall be met, including relevant coverage standards.
- Building height shall be limited to two and one-half stories.
- The ground floor of the building shall contain only nonresidential uses.
- On-site parking must be provided for all uses on site in accordance with RSIS and Borough standards.
- The units must be affirmatively marketed to the housing region.

- Affordability controls shall be maintained for a minimum of 30 years.
- Rent increases shall be in accordance with COAH-approved percentages.

The Borough has reviewed existing development patterns in these zones and has determined that a number of existing nonresidential developments could potentially be redeveloped in such a mixed-use arrangement consistent with the existing character of these areas. In general, the areas currently zoned GB, NB, and POB are fully developed with one or two-story structures, as shown in Figures 2 and 3. Most of these structures have limited building footprints and are located on relatively small lots. Given the relative size of the existing buildings and lots in the Districts, it is anticipated that unit yields per site will be relatively small—possible two to four units per building. Accordingly, the intent of the overlay ordinance is to provide a reasonable incentive and opportunity for those that may be interested to add a second story or convert the existing second story of a two-story nonresidential building into residential units, where a portion of the units created are affordable. Given the small scale of these buildings and anticipated unit yield, the one per one allocation of affordable to market rate units is both practical and realistic.

It is important to note that these overlay areas address the unmet Cycle I and II new construction obligation of the Borough and are in addition to the Borough's Cycle III plan. The Borough has included other affirmative measures to address its Cycle III obligation. These are discussed in the section of the plan describing the Borough's third-round Fair Share Plan.

The Borough will annually review the status of the program to determine its progress in creating new affordable units. If, after the first year (or any year thereafter) the Borough determines that there has been a lack of adequate participation in the program, the Borough may consider one following strategies or combination of strategies to increase participation:

- Providing a subsidy to property owners or developers to create the affordable units;
- Seeking a waiver to reduce the length of the deed restriction.

Cycle III Obligation and Plan

As noted, the Borough has a COAH calculated growth share responsibility of 22 affordable units. Pursuant to applicable COAH regulations, the following additional requirements or limitations apply to the Borough's growth share obligation:

- Minimum Rental Obligation: At least 25 percent or six (6) units must be rental units in accordance with N.J.A.C. 5:97-3.4, of which at least three (3) units must be non-age restricted rental units;
- Low and Moderate Income Split: At least 50 percent or 11 units must be designated for low-income households as per N.J.A.C. 5:97-3.3
- Minimum Very Low Income Units: 13 percent or three (3) units must be designated for very-low income households as per P.L.2008, c.46; and;
- Maximum Bonus Credits: No more than 25 percent or six (6) units of the Borough's obligation may be satisfied by eligible bonus credits; and
- Maximum Age-restricted Units: No more than 25 percent or six (6) units may be age-restricted units.

The Borough strategy to meet the projected obligation includes the construction of affordable units on Block 45, Lot 4 ("the River Road Holdings site") and Block 8, Lot 4 ("the Lafayette Mews [formerly known as Victory Homes] site"). Both sites are surrounded by compatible higher density development and a mix of residential and nonresidential uses. The remaining obligation will be satisfied by the Borough's accessory apartment program (10 units), and a new municipally sponsored construction project providing four (4) non-age restricted family rentals, of which three units shall be available for very-low income households. This is in addition to the mechanisms already established by the Borough to address its Cycle I and II unmet need (i.e., the Borough's overlay zones and development fee ordinance).

River Road Holdings Site

The developer of Block 45, Lot 4, commonly called the River Road Holdings site, has an approval to demolish an existing filling station and replace it with a mixed use development containing ground floor retail space and three (3) non-age-restricted affordable rental units on the second floor. Two of the units will be affordable to moderate-income households and one (1) of which will be affordable for low-income households. The 15,000 square foot parcel is owned by River Road Holdings, LLC and situated at the northwestern corner of North Street and River Road in the GB (General Business) Zone. (See Figure 4) Surrounding land uses include a mix of commercial and residential uses. This project is included in the growth share projection presented herein. A copy of the approving resolution and site plan are annexed to this plan (See Appendix F.). The site is located in Planning Area 1 of the SDRP, has sewer and water, and is not constrained by any environmental factors. (See Figure 6) This project was originally approved by the Rumson Zoning Board of Adjustment on October 18, 2005. In accordance with the recently enacted Permit Extension Act (P.L.2008, c.78) this approval is extended to July 2010. Further extensions may be available in accordance with the Municipal Land Use Law. The resolution of approval of the River Road Holdings site requires deed restriction for the units.

Lafayette Mews Site

Block 8, Lot 4 is known as Lafayette Mews site, which is located at the corner of Lafayette and Hunt Street. (See Figure 5) The site is rectangular in shape and contains 0.59 acre (25,840 square feet). The Borough proposes to rezone the site to permit seven (7) townhouse units, including five (5) market-rate units and two (2) low-income rental units. This corresponds to a proposed density of 12 units per acre and a 25 percent setback. This project is included in the growth share projection presented herein. A draft ordinance regulating development activity on the site is included in Appendix G. The site is located in Planning Area 1 of the SDRP, has sewer and water, and is not constrained by any environmental factors (See Figure 6).

As noted above, the Lafayette Mews application was conditionally approved by the Rumson Zoning Board of Adjustment at the November 18, 2008 meeting, subject to the memorialization of a resolution at the next Zoning Board meeting. It is anticipated that construction of these units will commence within 2 years.

Accessory Apartments

The Borough has enacted an accessory apartment/carriage house ordinance that permits accessory apartments and carriage house apartments in the Borough's R-1 and R-2 Zones. As the accessory apartment program will apply to the Borough's growth share obligation, the ordinance will be amended to be in conformance with COAH's regulations at N.J.A.C. 5:97-6.8. In accordance with N.J.A.C. 5:97-6.89(b):

1. At the present time, no more than 10 units will be applied to the Borough's growth share obligation. However, if the Borough demonstrates the success of its accessory apartment program and creates additional units, the Borough will request additional credits as eligible.
2. The Borough will provide a minimum of \$20,000 per unit to subsidize the creation of each moderate-income accessory apartment or \$25,000 to subsidize the creation of each low-income accessory apartment. The subsidies may be used to fund actual construction costs and/or to provide compensation for reduced rental rates.
3. All accessory units shall be supplied with public water and sewer infrastructure with sufficient capacity to serve the proposed accessory apartments.

In addition, the accessory apartment ordinance will include the following provisions:

- The bulk requirements of the zone in which the accessory apartment is to be created shall be met.

- The accessory apartment may only be rented to a low and moderate-income household at the time of the initial occupancy.
- The Borough will alternate one low and one moderate unit to maintain the 50/50 split.
- The units must be affirmatively marketed to the housing region.
- Affordability controls shall be maintained for a minimum of 10 years.
- An administrative entity will be designated to run the local program.
- Rent increases shall be in accordance with COAH-approved percentages.
- The ordinance does not restrict the number of bedrooms in each accessory unit.
- In accordance with N.J.A.C. 5:80-26.3(d) and (e) of the Uniform Housing Affordability Controls (UHAC), the maximum rent for a moderate-income unit shall be affordable to households earning no more than 60 percent of median income and the maximum rent for a low-income unit shall be affordable to households earning no more than 44 percent of median income.

Municipally-sponsored Construction

The third component of the Borough's plan is a proposed municipally sponsored construction project in which the Borough will either acquire through purchase a privately-owned parcel or combination of parcels in the Borough's downtown area or partner with a property owner or a non-profit or other affordable housing provider to provide either a 100-percent affordable project or a mixed-use development with residential and non-residential components. The intent would be to provide four (4) non-age restricted family rental units with one unit available to a low or moderate-income household and three units available to very-low income households (less than 30 percent of the median income in the region) satisfying the requirement that at least 13 percent of the Borough's affordable units be available for very low income households as per P.L.2008, c.46. This also will result in the Borough's overall plan having at least one more low income unit than moderate income units, balancing out the two moderate and one low-income unit at River Road Holdings and ensuring that the Borough's overall housing plan will achieve the minimum 50 percent low and moderate income unit split required pursuant to N.J.A.C. 5:97-3.3. Alternatively, the Borough may consider a "supportive and special needs housing project," such

as a group home that provides affordable housing to the blind or other special needs populations and also addresses the Borough's very-low income requirement.

The Borough anticipates identifying an appropriate site or sites and entering into appropriate agreements with existing property owners and housing providers within two years of the grant of substantive certification. The Borough will address all relevant requirements for municipally-sponsored construction as per N.J.A.C. 5:97-6.7.

Rental Bonus Credits

The inclusion of the River Road Holdings, Lafayette Mews, and the four-unit municipally-sponsored construction project within the Borough's Fair Share Plan provides the Borough with nine (9) non-age restricted affordable rental units, or three (3) more than the Borough's six-unit rental obligation. As a result, the Borough may claim, according to N.J.A.C. 5:97-3.6, up to three (3) units of bonus credit for those rental units in excess of the Borough's rental obligation.³

Combined, the affordable units resulting from the construction of Lafayette Mews, River Road Holdings, and the municipally-sponsored development sites fulfill the Borough's growth share obligation of 22 units, rental obligation of six (6) units pursuant to N.J.A.C. 5:97-3.4, the minimum very-low income requirement as per P.L.2008, c.46, and the required 50 percent low income/50 percent moderate income split of the growth share obligation required by N.J.A.C. 5:97-3.3.

Summary of Cycle III Plan Components

The following table summarizes the manner in which the Borough will address its Cycle III growth share obligation:

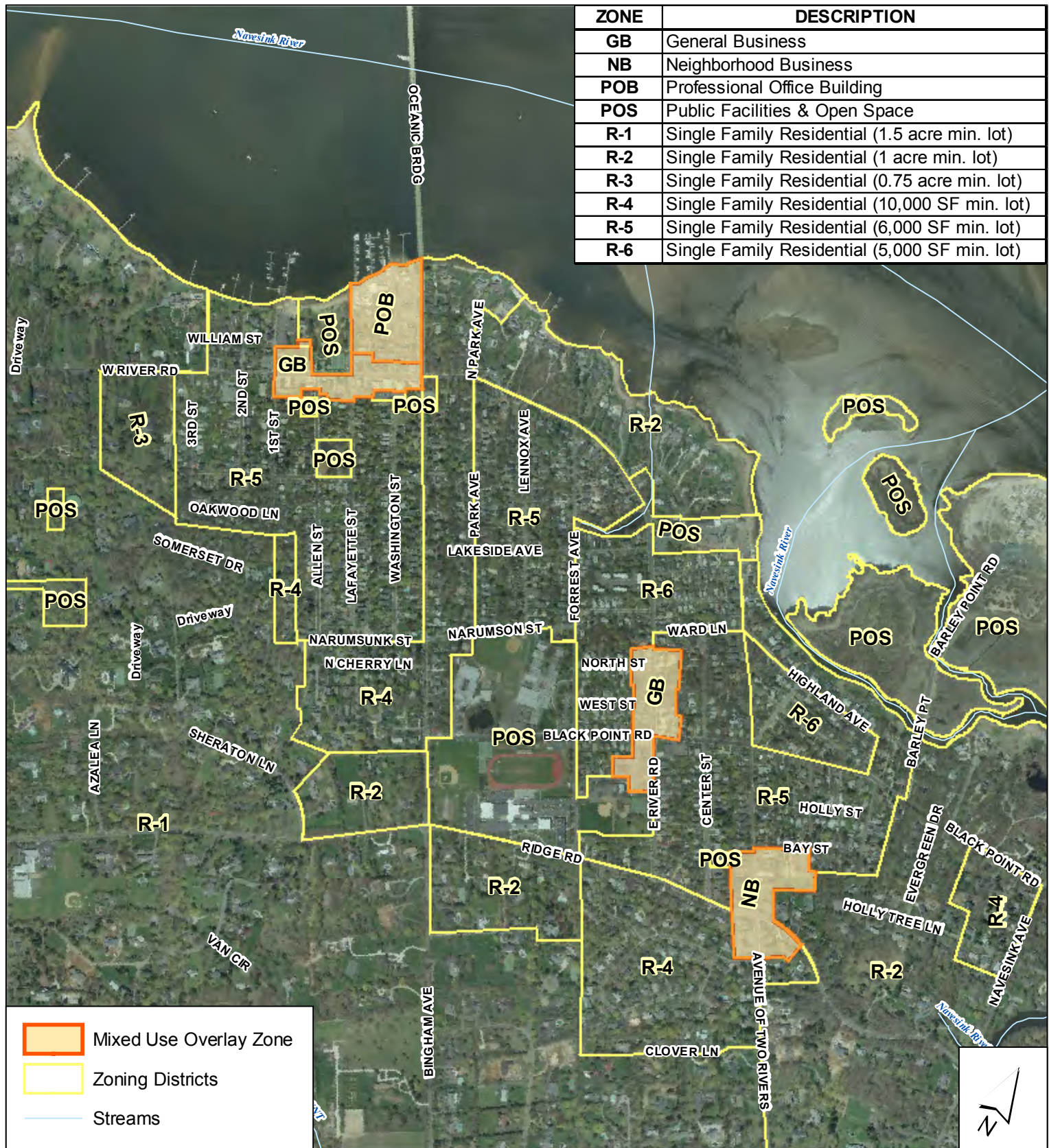
³ The maximum number of bonus credits permitted is 25 percent of the Borough's growth share obligation or 6 units.

Table 10: Summary of Cycle III Fair Share Plan

| | |
|--|-----------|
| Growth Share Obligation | 22 |
| Compliance Mechanisms | |
| River Road Holdings (Affordable Rental Units; Non-Age-Restricted) | 3 |
| Lafayette Mews (Affordable Rental Units; Non-Age Restricted) | 2 |
| Accessory apartment program | 10 |
| Municipally-sponsored non-age restricted family rental project | 4 |
| Rental Bonus Credits for Units in Excess of 6-Unit Rental Obligation | 3 |
| Total Affordable Units Provided | 19 |
| Bonus Credits | 3 |
| Total Units Credited to Growth Share | 22 |

As noted previously, if at some point in time, COAH determines that Rumson has a Cycle I and II RDP that is greater than zero, the Borough reserves the right to use any appropriate and applicable technique permitted under COAH's regulations to address its RDP either through the measures specified in this plan and/or other measures. In addition, if COAH revises its current regulations relating to residential demolitions and certificates of occupancy, the Borough reserves its right to adjust its residential growth projections and corresponding growth share obligation.

Figures



T&M 11 Tindall Road
 Middletown, NJ 07748-2792
 Phone: 732-671-6400
 Fax: 732-671-7365

0 500 1,000 2,000
 Feet

**Figure 1: Mixed Use Overlay Zones
 Borough of Rumson
 Monmouth County, New Jersey**

Prepared by: STK, December 2, 2008
 Source: NJDEP - Streams; Monmouth County GIS - 2003 Aerials,
 Roads; Rumson Borough - Zoning (1989)
 File Path: H:\RMSN\01570\GIS\Projects\RMSN1570_Fig1OverlayZones.mxd

NOTE: This map was developed using New Jersey Department of
 Environmental Protection Geographic Information System digital
 data, but this secondary product has not been verified by NJDEP
 and is not State-authorized.



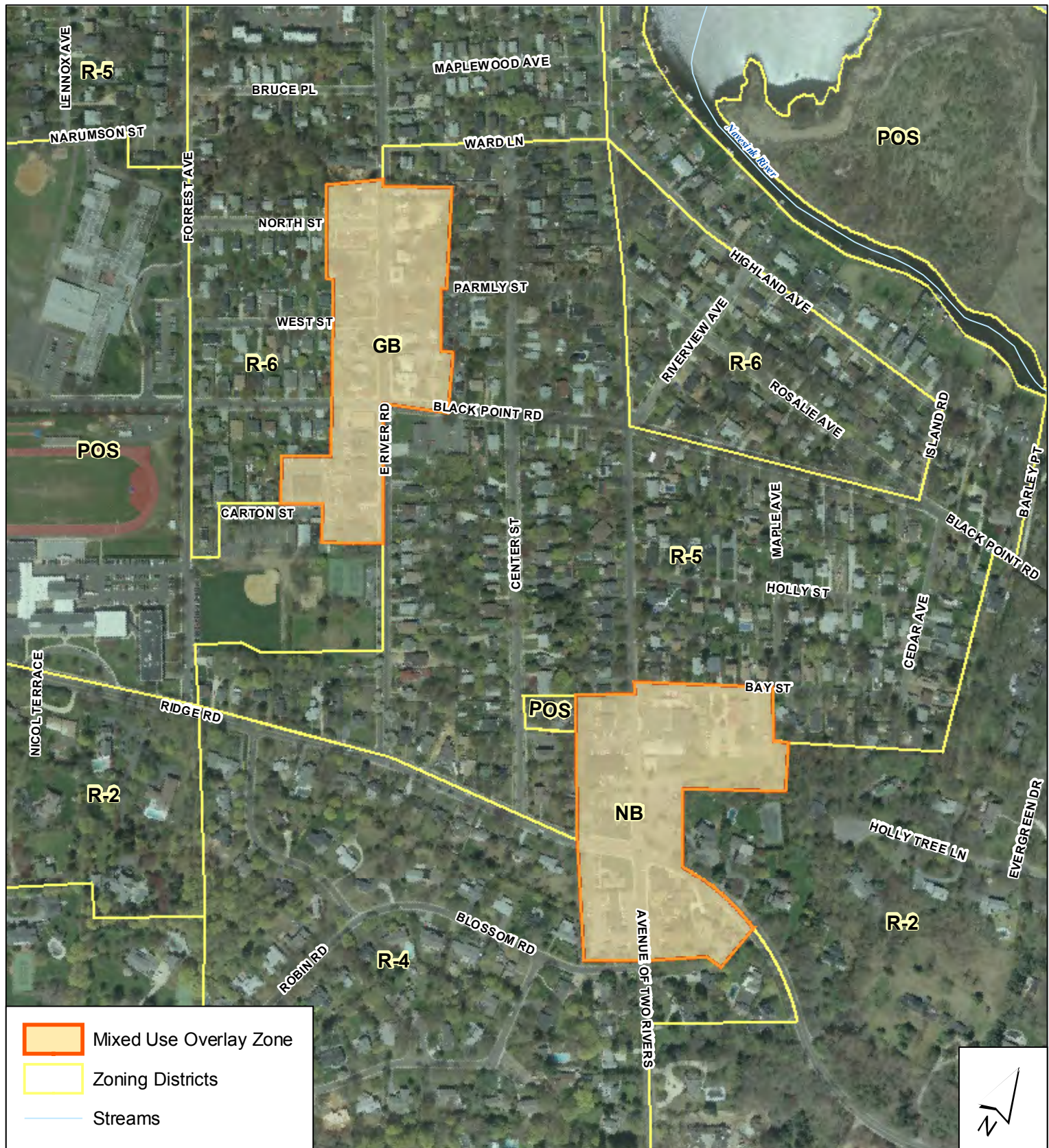
T&M 11 Tindall Road
 Middletown, NJ 07748-2792
 Phone: 732-671-6400
 Fax: 732-671-7365

0 125 250 500
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**Figure 2: Mixed Use Overlay
 GB and POB Zones
 Borough of Rumson
 Monmouth County, New Jersey**

Prepared by: STK, December 2, 2008
 Source: NJDEP - Streams; Monmouth County GIS - 2003 Aerials,
 Roads; Rumson Borough - Zoning (1989)
 File Path: H:\RMSN\01570\GIS\Projects\RMSN1570_Fig2GB_POB Overlay.mxd

NOTE: This map was developed using New Jersey Department of
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0 200 400 800
 Feet

**Figure 3: Mixed Use Overlay
 GB and NB Zones
 Borough of Rumson
 Monmouth County, New Jersey**

Prepared by: STK, November 18, 2008
 Source: NJDEP - Streams; Monmouth County GIS - 2003 Aerials,
 Roads; Rumson Borough - Zoning (1989)
 File Path: H:\RMSN\01570\GIS\Projects\RMSN1570_Fig3GB_NB Overlay.mxd

NOTE: This map was developed using New Jersey Department of
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**Figure 4: Environmental Constraints of
River Road Holding Site (Block 45, Lot 4)
Borough of Rumson
Monmouth County, New Jersey**

0 50 100
Feet

Prepared by: T&M Associates, November 18, 2008
Sources: Borough of Rumson Tax Assessment Office; NJDEP; FEMA
File Path: H:\RMPB\00080\GIS\Projects\rmph80_B45L4.mxd

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.



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**Figure 5: Environmental Constraints of
 Victory Homes Site (Block 8, Lot 4)
 Borough of Rumson
 Monmouth County, New Jersey**

0 75 150
 Feet

Prepared by: T&M Associates, November 18, 2008
 Sources: Borough of Rumson Tax Assessment Office; NJDEP; FEMA
 File Path: H:\RMPB\00080\GIS\Projects\rmpb80_B8L4.mxd

NOTE: This map was developed using New Jersey Department of
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 and is not State-authorized.



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**Figure 6: Location of Block 8, Lot 4
 and Block 45, Lot 4
 Borough of Rumson
 Monmouth County, New Jersey**

0 500 1,000
 Feet

Prepared by: T&M Associates, November 18, 2008
 Sources: Borough of Rumson Tax Assessment Office; NJDEP; FEMA
 File Path: H:\RMPB\00080\GIS\Projects\rmph80_B8L4_AND_B45_L4.mxd

NOTE: This map was developed using New Jersey Department of Environmental Protection Geographic Information System digital data, but this secondary product has not been verified by NJDEP and is not State-authorized.

Appendix A:
Vacant Land Inventory
and Analysis Report

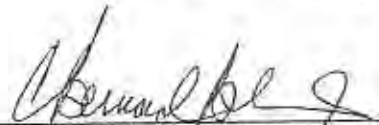
Vacant Land Inventory and Analysis Report

Prepared for

Borough of Rumson
Monmouth County, New Jersey

August 7, 2003

Prepared by:



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For the firm of:

TM

11 Tindall Road
Middletown, NJ 07748

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INTRODUCTION

COAH regulations permit municipalities to request an adjustment from their housing need due to a lack of available vacant and developable land. Pursuant to N.J.A.C. 5:93-4.2, municipalities requesting an adjustment of their fair share obligation due to lack of available land must submit an inventory of vacant and undeveloped parcels by lot and block, with property ownership and acreage. All privately-owned parcels identified as vacant in the Borough's tax assessment records are listed in the accompanying Vacant Land Inventory Table in Appendix A. Where two or more contiguous vacant lots are in common ownership, the parcels have been combined into a single tract on the inventory. Property owned by the Borough is listed in the Municipal Lands Table in Appendix B. Vacant and municipally owned sites have been mapped in the accompanying Vacant Land Inventory Map in Appendix C.

PERMITTED EXCLUSIONS

COAH regulations also establish the criteria by which sites or portions of sites in a municipal vacant land inventory may be excluded from the calculation of the municipality's RDP. Environmentally sensitive areas may be excluded from consideration, including flood hazard areas, wetlands, and areas characterized by steep slopes (defined in COAH's regulations as slopes with a grade of greater than fifteen percent) that render a site or portion of a site unsuitable for low and moderate income housing. In addition, small isolated lots having an insufficient acreage to generate an affordable housing setaside as part of an inclusionary development may be excluded. Vacant lots under development as part of an approved subdivision or that received site plan approval for development may also be excluded. Landlocked parcels or sites with limited or no access may also be excluded from the calculation of the RDP.

The Vacant Land Inventory Table in Appendix A provides a parcel by parcel description of the exclusions that have been made pursuant to COAH's guidelines. The general categories of exclusions are summarized as follows:

1. **Small and Isolated Sites.** Several sites listed in the vacant land inventory consist of small and isolated vacant lots that are too small to be realistically developed with an inclusionary development and have been eliminated pursuant to N.J.A.C. 5:93-4.2(c)2. In a number of cases, these lots are associated with an adjacent residential use and are in common ownership. They are used as yards for these dwellings.

COAH's minimum presumptive density in calculating the RDP is six units per acre with a twenty percent setback. At six units per acre, at least 0.8 acres must be present to yield one affordable unit at a 20 percent setback. Consequently, properties with less than 0.8 acres have been excluded. A field investigation was undertaken to confirm that the larger of these small isolated lots (0.5 to 0.8 acres) are not in areas where the application of a higher presumptive density would be appropriate. As a result of this investigation, these lots also were eliminated.

2. **Environmental Constraints.** Environmentally constrained lands may be eliminated pursuant to N.J.A.C. 5:93-4.2(e)2. Environmental constraints fall into the following three categories:

- a) **Wetlands.** A number of lots have been eliminated in part due to the presence of wetlands. Wetlands areas and their relationship to the vacant land inventory sites are mapped in the accompanying Environmental Constraints Map, which also includes floodplain data. In many cases these wetland areas are located within or are coterminous with the flood hazard areas on the site.

- b) **Flood Hazard Areas.** COAH regulations permit flood hazard areas as defined in N.J.A.C. 7:13 and mapped by the NJDEP to be eliminated from the developable land acreage of properties included in the vacant land inventory. If there is no state study of the flood hazard area and the flood drainage is fully developed, then the municipality may use the most recent flood insurance maps to determine the flood hazard area. Consequently, Rumson has used FEMA Flood Insurance Rate Map data to map the flood hazard areas within the Borough. These areas are shown in the accompanying Environmental Constraints Map. Where more detailed data is available, this information is shown. Many sites within the southern portion of the Borough near the Shrewsbury River are impacted by flood hazard areas and have been eliminated in whole or in part due to this constraint. In addition, several "sedge" islands have been eliminated from the inventory.

- c) **Steep Slopes.** COAH regulations allow slopes of greater than 15 percent to be excluded from the calculation of the RDP. However, if a municipality has a steep slope ordinance that allows development within steep slopes, these areas can only be excluded to the extent that they are regulated in the steep slope ordinance. The Borough has taken no exclusions for steep slopes but will consider steep slopes in analyzing particular sites.
3. **Access.** Sites with inadequate access have been eliminated. Typically, these are land-locked lots or lots where access is constrained due to limited lot frontage or other constraints, including environmental constraints.
4. **Association Owned Properties and Dedicated Open Space.** Parcels owned by property associations as common areas, dedicated open space, or used for drainage basins and similar drainage facilities have been eliminated.
5. **Approved Site Plans.** Consistent with COAH practice, properties that have an approved subdivision or site plan have been eliminated.
6. **Incompatible Land Uses.** Sites that are adjacent to or located in areas with incompatible land uses have been determined to be not suitable for low and moderate income housing in accordance with the provisions of N.J.A.C. 5:93-4.2(e)6 and the definition of suitable site as set forth in N.J.A.C. 5:93-1.3, and may be eliminated. No sites on the vacant land inventory were eliminated due to incompatible land uses.
7. **Municipal Sites.** Municipally owned sites are listed in the Municipal Sites Table in Appendix B and shown in the Municipal Sites Map in Appendix C. No municipally owned sites are included in the calculation of the Borough's RDP. Existing municipally owned parcels include Borough offices, public safety facilities, as well as public parks, playgrounds recreation and conservation areas listed in the Borough's Green Acres Recreation and Open Space Inventory (ROSI). Lands on the ROSI account for approximately 90 acres of parks and open space areas. (Parcel information shown in the vacant land inventory tables was provided by the Borough Tax Assessor.)

- a) **Active Recreation Sites.** Municipalities may reserve up to three (3) percent of their total “developed and developable acreage” for active municipal recreation and exclude this acreage from consideration as potential sites for low and moderate income housing and the calculation of the RDP. Developable acreage is the total vacant and undeveloped lands in the municipality minus historic and architecturally important sites, agricultural lands, and environmentally sensitive lands excluded from the vacant land inventory by COAH’s rules. Also excluded from the calculation of total vacant and undeveloped lands are those owned by nonprofit organizations, counties and the State or Federal government that are precluded from development. Existing active municipal recreation areas are then subtracted from the three percent calculation of total developed and developable acreage to determine additional land that may be reserved for active municipal recreation.

Rumson has a total of 3,029.2 acres of developed and developable lands in the Borough. Based on the calculation of developed and developable acreage, the Borough may reserve up to 90.9 acres of active recreation lands. Currently, the Borough has approximately 44.2 acres of property used for active recreation. (See Municipal Lands Inventory Table in Appendix B.) The Borough may reserve up to 46.7 additional acres for active recreation.

- b) **Future Conservation/Passive Recreation/Open Space.** A municipality may reserve up to three (3) percent of its total land area for conservation, parklands, or open space. Based on a total land area of 3,252.2 acres, Rumson may reserve up to 97.6 acres for conservation, parklands or open space. Currently, the Borough has 45.79 acres of municipally owned land reserved for “conservation, parklands and open space.” (See Appendix B.) The Borough may reserve up to 51.8 additional acres for open space purposes.

RDP CALCULATION

Based on analysis of the Borough's vacant land inventory, all of the sites listed in the inventory may be excluded from the calculation of the Borough's RDP. The reasons for the exclusions are listed in the table in Appendix A. Consequently, the Borough of Rumson's RDP is zero. In the event that it is determined that the Borough has an RDP, the Borough shall—consistent with N.J.A.C. 5:93-4.2(g)—select a method that it deems appropriate to address this RDP.

SUMMARY AND CONCLUSION

The vacant land analysis reveals that the Borough of Rumson does not have sufficient acreage to accommodate its 268-unit new construction obligation. After following the procedures for undertaking a vacant land adjustment analysis described in COAH's regulations, it has been determined that, the Borough of Rumson has an RDP of zero units.

APPENDIX A

Vacant Land Inventory Table

| APPENDIX A: VACANT LAND INVENTORY 2003: PRIVATE LANDS | | | | | | | | | | | |
|---|-------|-------|----------------------------|---|-------------------|---|------------|--------------|--------------------|---|-------------------|
| BOROUGH OF RUMSON, NEW JERSEY | | | | | | | | | | | |
| | | | | | | | | | | | |
| Site Identification | | | | | | Area Exclusions as per N.J.A.C. 5:93-4.2(e) | | | | | |
| Site ID No. | Block | Lot | Location | Owner | Site Area (acres) | Environmentally Sensitive | | | Net Area Remaining | Exclusion Codes & Remarks | Developable Acres |
| | | | | | | Wetlands | Floodplain | Steep Slopes | | | |
| 1 | 93 | 16.06 | 1 Willowbrook Road | Crested Butte, LLC | 2.39 | 0.22 | 0.00 | 0.00 | 2.17 | Developed with single-family dwelling | 0.00 |
| 2 | 93 | 16.10 | 5 Willowbrook Road | Dimisa, Doris | 3.46 | 0.46 | 0.00 | 0.00 | 3.00 | Part of previously approved residential subdivision. Pond in rear of property. Undersized parcel. | 0.00 |
| 3 | 113 | 11 | Conover Lane | Somerset Capital, LLC | 4.66 | 1.86 | 2.80 | 0.00 | 0.00 | In flood plain. Wetlands. Subdivision [?] | 0.00 |
| 4 | 121 | 2 | End of Broadmoor | Broadmoor Properties, Inc. | 7.59 | 0.00 | 7.59 | 0.00 | 0.00 | In flood plain. Subdivision application under review by Planning Board. | 0.00 |
| 5 | 121 | 1 | End of Broadmoor | Broadmoor Properties, Inc. | 8.02 | 4.49 | 3.54 | 0.00 | 0.00 | In flood plain. Wetlands. Subdivision application under review by Planning Board. | 0.00 |
| 6 | 123 | 2.02 | 105 Rumson Road | Duff, Thomas & Susan | 1.58 | 0.41 | 0.21 | 0.00 | 0.95 | Pond. Wetlands. Part of adjacent residential property. | 0.00 |
| 7 | 124 | 18 | 172 Bingham Avenue | Gehlhaus, Henry F. II & Allison | 1.98 | 1.44 | 0.54 | 0.00 | 0.00 | Flood plain & wetlands. | 0.00 |
| 8 | 126 | 14 | 87 Rumson Road | Greenleaf, Wayne & Jamie | 3.02 | 1.96 | 0.58 | 0.00 | 0.48 | Part of adjacent residential property. Wetlands in rear of site. | 0.00 |
| 9 | 128 | 10.1 | Oyster Bay Drive | Bloom, Henry c/o GB Ltd. | 0.45 | 0.00 | 0.45 | 0.00 | 0.00 | In flood plain. Undersized parcel. | 0.00 |
| 10 | 135 | 7 | S. Shrewsbury Drive | Sorensen, Arthur | 0.53 | 0.35 | 0.18 | 0.00 | 0.00 | In flood plain. Wetlands. Undersized parcel. | 0.00 |
| 11 | 138 | 3 | Warren Street | Desmond, Francis J. & Joan H. | 0.10 | 0.00 | 0.10 | 0.00 | 0.00 | In flood plain. Part of adjacent residential property. Undersized parcel. | 0.00 |
| 12 | 142 | 4 | 15 Rumson Road/ CR WA | Borneman, Steven W. & Linda S. | 0.17 | 0.00 | 0.12 | 0.00 | 0.05 | Undersized parcel. Part of adjacent residential property. | 0.00 |
| 13 | 144 | 13 | Waterman Avenue | Perkins, Audrey W. | 0.26 | 0.00 | 0.26 | 0.00 | 0.00 | In flood plain. Undersized parcel. Part of adjacent residential property. | 0.00 |
| 14 | 144 | 27.01 | River Place | Johnson, Edward & Leona | 0.26 | 0.00 | 0.26 | 0.00 | 0.00 | In flood plain. Undersized parcel. Part of adjacent residential property. | 0.00 |
| 15 | 150 | 1 | Gunning Island | Bloom Island Inc. c/o GB Ltd. Oper. Co. | 15.37 | 1.83 | 13.55 | 0.00 | 0.00 | Sedge island | 0.00 |
| 16 | 163 | 1 | Island W. of Barley Point | Dubouchet Holding Co. c/o D. Dorn | 3.24 | 0.00 | 3.24 | 0.00 | 0.00 | Sedge island | 0.00 |
| 17 | 164 | 1 | Islands W. of Barley Point | Dubouchet Holding Co. c/o D. Dorn | 11.32 | 0.00 | 11.32 | 0.00 | 0.00 | Sedge island | 0.00 |
| 18 | 164 | 2 | Island | Unknown Owner | 5.32 | 0.00 | 5.32 | 0.00 | 0.00 | Sedge island | 0.00 |
| 19 | 168 | 1 | Island | Unknown Owner | 1.01 | 0.00 | 1.01 | 0.00 | 0.00 | Sedge island | 0.00 |
| 20 | 11 | 21 | East River Road | Gallagher, Marie O. | 0.79 | 0.13 | 0.65 | 0.00 | 0.02 | Wetlands. Part of adjacent residential property. Narrow, irregularly shaped lot. | 0.00 |
| 21 | 33 | 35.01 | 31 Allen Street | Kondrup, Adolph | 0.11 | 0.00 | 0.00 | 0.00 | 0.11 | Undersized parcel. Part of adjacent residential property. | 0.00 |
| 22 | 38 | 10 | 16 Forrest Avenue | Caruso, Janet | 0.20 | 0.00 | 0.00 | 0.00 | 0.20 | Undersized parcel. Part of adjacent residential property. | 0.00 |
| 23 | 55 | 9 | 76 Blackpoint Road | Haywood, Robert & Lisa | 0.12 | 0.00 | 0.00 | 0.00 | 0.12 | Undersized parcel. Part of adjacent residential property. | 0.00 |
| 24 | 61 | 25 | 166 E. River Road | Hurdtown Builders, Inc. | 0.19 | 0.00 | 0.00 | 0.00 | 0.19 | Developed with single-family dwelling | 0.00 |
| 25 | 69 | 6 | 28 Holly Street | Josselyn, Barbara R. | 0.12 | 0.00 | 0.00 | 0.00 | 0.12 | Undersized parcel. Part of adjacent residential property. | 0.00 |
| 26 | 70 | 5.01 | Ridge Road | Parent, Arthur F. & Leslie H. | 2.03 | 0.93 | 0.15 | 0.00 | 0.95 | Part of adjacent residential property. Wetlands. | 0.00 |
| 27 | 76 | 6 | 6 North Ward Avenue | Moretti, Albert V. & Christina M. | 1.93 | 0.00 | 1.93 | 0.00 | 0.00 | Flood plain. | 0.00 |
| 28 | 85 | 13 | 162 Rumson Road | Moros, Zack J. & Roula | 1.84 | 0.00 | 0.00 | 0.00 | 1.84 | Single family dwelling under construction | 0.00 |
| 29 | 45 | 15.01 | 49 Forrest Avenue | Rumson Builders, LLC | 0.11 | 0.00 | 0.00 | 0.00 | 0.11 | Developed with single-family dwelling | 0.00 |
| 30 | 45 | 15.02 | 51 Forrest Avenue | Rumson Builders, LLC | 0.16 | 0.00 | 0.00 | 0.00 | 0.16 | Developed with single-family dwelling | 0.00 |
| 31 | 100 | 9.01 | 15 Ridge Road | Dougherty, Robert & Kathleen | 2.53 | 0.00 | 0.14 | 0.00 | 2.40 | Residential subdivision. | 0.00 |
| 32 | 100 | 9.03 | 129 Avenue of Two Rivers | Turso, Peter & Kathleen | 1.22 | 0.00 | 0.00 | 0.00 | 1.22 | Residential subdivision. | 0.00 |
| 33 | 100 | 9.02 | 127 Avenue of Two Rivers | McCarthy, Peter J. & Pia | 1.50 | 0.00 | 0.00 | 0.00 | 1.50 | Residential subdivision. | 0.00 |
| 34 | 88 | 7 | Ridge Rd. & Bellevue Ave. | Fareholm c/o Chapman, Bird, & Grey | 1.29 | 0.00 | 0.00 | 0.00 | 1.29 | Part of adjacent residential property. | 0.00 |
| | | | | TOTAL ACREAGE | 84.87 | 14.07 | 53.93 | 0.00 | 16.87 | | 0.00 |

APPENDIX B

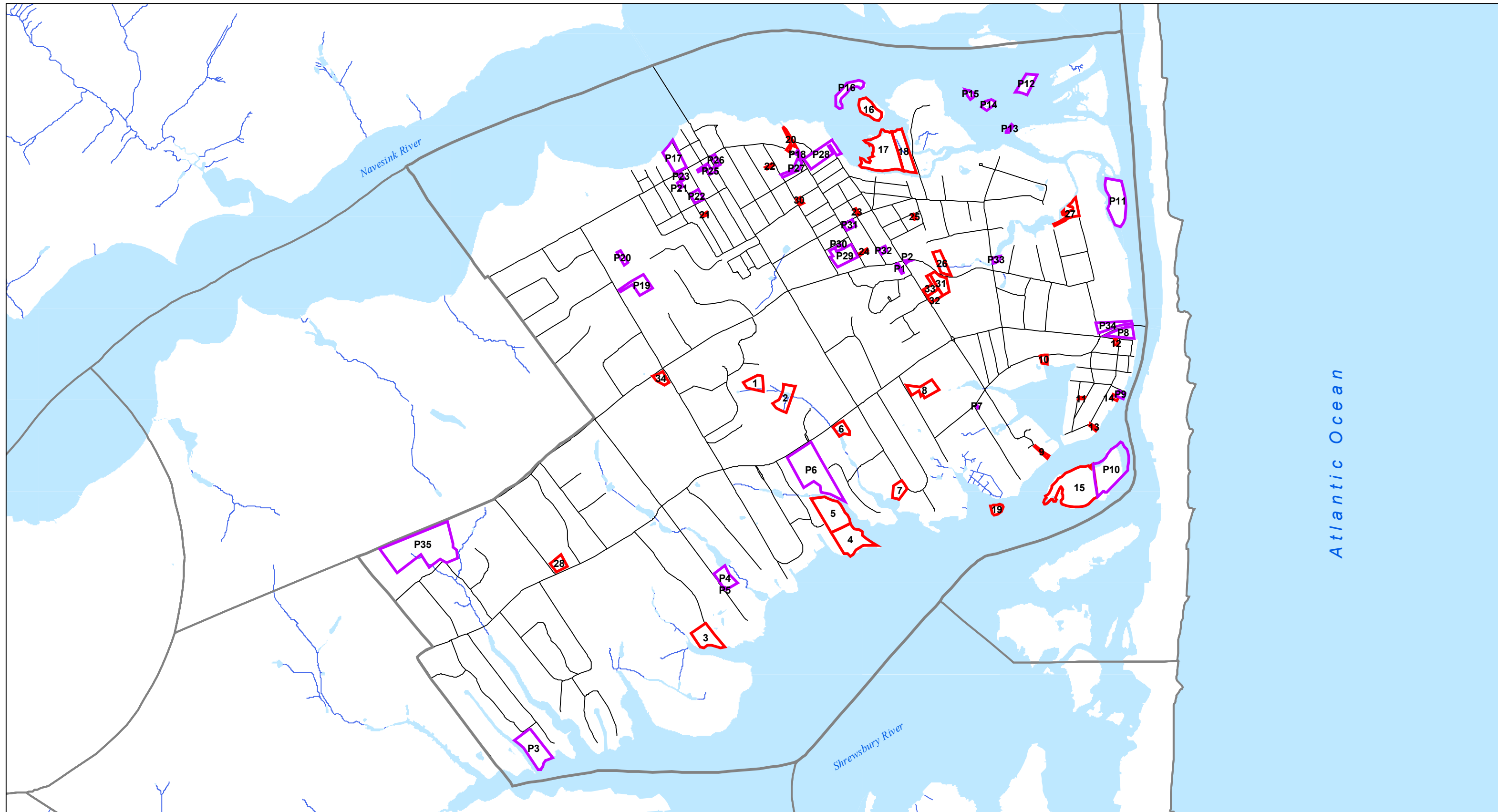
Municipal Lands Table

**APPENDIX B: MUNICIPAL LANDS TABLE
BOROUGH OF RUMSON, NEW JERSEY**

| Site Identification | | | | | | | | | |
|---------------------|-------|-------|------------------------------|--------------------------------|-------------------|---|------------|--------------------|----------|
| Site ID No. | Block | Lot | Location | Area Name (if known) | Site Area (acres) | Area Exclusions as per N.J.A.C. 5:93-4.2(e) | | | Comments |
| | | | | | | Environmentally Sensitive | | Net Area Remaining | |
| | | | | | | Wetlands | Floodprone | | |
| P-1 | 99 | 13 | Ridge Road | Parking Lot | 0.17 | 0.00 | 0.00 | 0.17 | Other |
| P-2 | 100 | 13 | Ave. of Two Rivers & Ridge | Oceanic Public Library Trust | 0.13 | 0.00 | 0.00 | 0.13 | Other |
| P-3 | 105 | 28 | Riverside Drive | Riverside Park | 7.09 | 0.00 | 7.09 | 0.00 | Active |
| P-4 | 115 | 23.01 | Buena Vista Avenue | Disposal Area | 3.00 | 1.41 | 1.59 | 0.00 | Other |
| P-5 | 115 | 23.02 | Buena Vista Avenue | Pumping Station | 0.05 | 0.00 | 0.05 | 0.00 | Other |
| P-6 | 122 | 1 | Rumson Road | Open Space | 14.47 | 2.33 | 8.50 | 3.64 | Passive |
| P-7 | 128 | 2 | Shrewsbury Drive | Sewage Pumping Station | 0.05 | 0.03 | 0.02 | 0.00 | Other |
| P-8 | 143 | 1 | Rumson Road & Ward Ave. | Pocket Park | 2.26 | 0.00 | 0.84 | 1.42 | Active |
| P-9 | 144 | 30 | Grant Avenue | Main Pumping Station | 0.48 | 0.00 | 0.48 | 0.00 | Other |
| P-10 | 150 | 2 | Gunning Island | Sedge Island | 12.15 | 2.54 | 9.61 | 0.00 | Passive |
| P-11 | 151 | 1 | Island-Ward Avenue | Sedge Island | 7.71 | 0.00 | 7.71 | 0.00 | Passive |
| P-12 | 155 | 1 | Island E of Barley Point | Sedge Island | 2.54 | 0.00 | 2.54 | 0.00 | Passive |
| P-13 | 156 | 1 | Island E of Barley Point | Sedge Island | 0.27 | 0.00 | 0.27 | 0.00 | Passive |
| P-14 | 157 | 1 | Island | Sedge Island | 0.99 | 0.00 | 0.99 | 0.00 | Passive |
| P-15 | 158 | 1 | Islands E of Barley Point | Sedge Island | 0.55 | 0.00 | 0.55 | 0.00 | Passive |
| P-16 | 162 | 1 | West of Barley Point | Sedge Island | 2.73 | 0.00 | 2.73 | 0.00 | Passive |
| P-17 | 5 | 4 | West River Road | Victory Park | 4.17 | 0.00 | 0.97 | 3.20 | Active |
| P-18 | 11 | 25 | East River Road | Pocket Park | 0.18 | 0.09 | 0.08 | 0.01 | Active |
| P-19 | 18 | 15 | Bellevue Avenue | Bird Sanctuary | 3.26 | 0.00 | 0.00 | 3.26 | Passive |
| P-20 | 18 | 18 | Bellevue Avenue | Pocket Park | 0.68 | 0.00 | 0.00 | 0.68 | Active |
| P-21 | 27 | 5 | Allen Street | Borough of Rumson | 0.23 | 0.00 | 0.00 | 0.23 | Active |
| P-22 | 28 | 11 | Church & Lafayette | Rogers Park | 1.18 | 0.00 | 0.00 | 1.18 | Active |
| P-23 | 28 | 1 | 25 W. River Road & Allen St. | Oceanic Hook & Ladder | 0.26 | 0.00 | 0.00 | 0.26 | Other |
| P-24 | 29 | 6 | Washington Street | Parking Lot | 0.16 | 0.00 | 0.00 | 0.16 | Other |
| P-25 | 30 | 5 | 40 Bingham Avenue | Community Center & Parking Lot | 0.62 | 0.00 | 0.00 | 0.62 | Other |
| P-26 | 36 | 1 | River Road | Parking Lot | 0.56 | 0.00 | 0.00 | 0.56 | Other |
| P-27 | 39 | 13 | East River Road | Pond | 1.12 | 0.40 | 0.00 | 0.72 | Passive |
| P-28 | 49 | 9 | East River Road | Borough Hall shed & First Aid | 4.49 | 0.31 | 4.10 | 0.09 | Other |
| P-29 | 60 | 5 | East River Road | Piping Rock Park | 3.84 | 0.00 | 0.00 | 3.84 | Active |
| P-30 | 60 | 2 | Carton Street | Garage | 0.35 | 0.00 | 0.00 | 0.35 | Other |
| P-31 | 61 | 1 | East River Road | Rumson Fire Co. | 0.89 | 0.00 | 0.00 | 0.89 | Other |
| P-32 | 62 | 30 | Center Street | Police Headquarters | 0.37 | 0.00 | 0.00 | 0.37 | Other |
| P-33 | 73 | 17 | Navesink Avenue | Sewage Pumping Station | 0.40 | 0.00 | 0.40 | 0.00 | Other |
| P-34 | 80 | 1 | Rumson Road | Pocket Park | 2.26 | 0.00 | 0.22 | 2.04 | Active |
| P-35 | 81 | 7.00 | Ridge Road | Park | 22.34 | 2.21 | 0.00 | 20.13 | Active |
| TOTAL ACREAGE | | | | | 101.99 | 9.32 | 48.73 | 43.95 | |

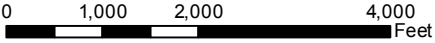
APPENDIX C

Vacant Land Inventory Maps

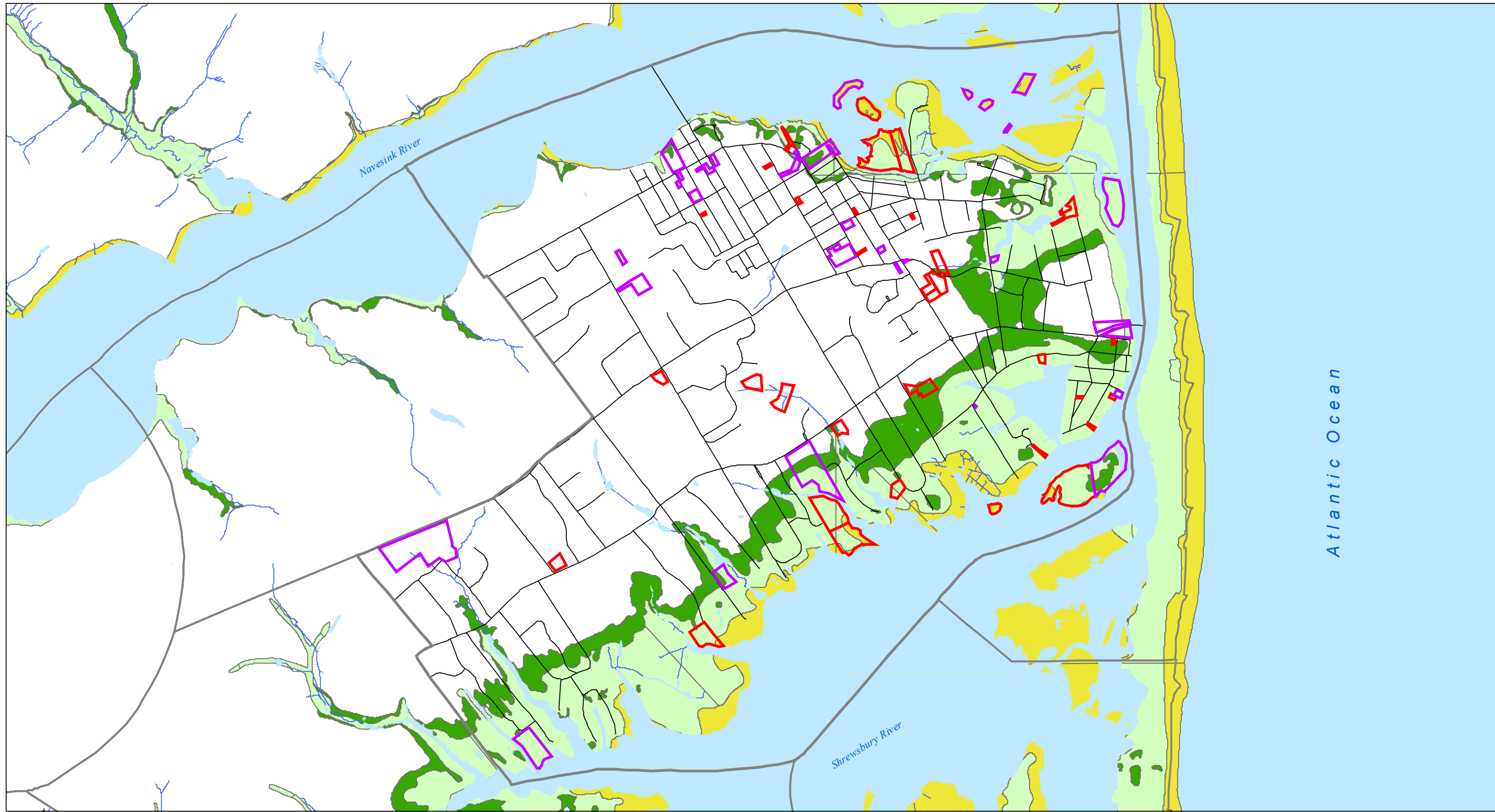


Vacant Land Inventory Map **Borough of Rumson** **Monmouth County, NJ**

- Municipal Property
- Vacant, Private
- Municipal Boundaries
- Roadways
- Streams
- Water Bodies

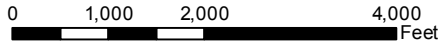


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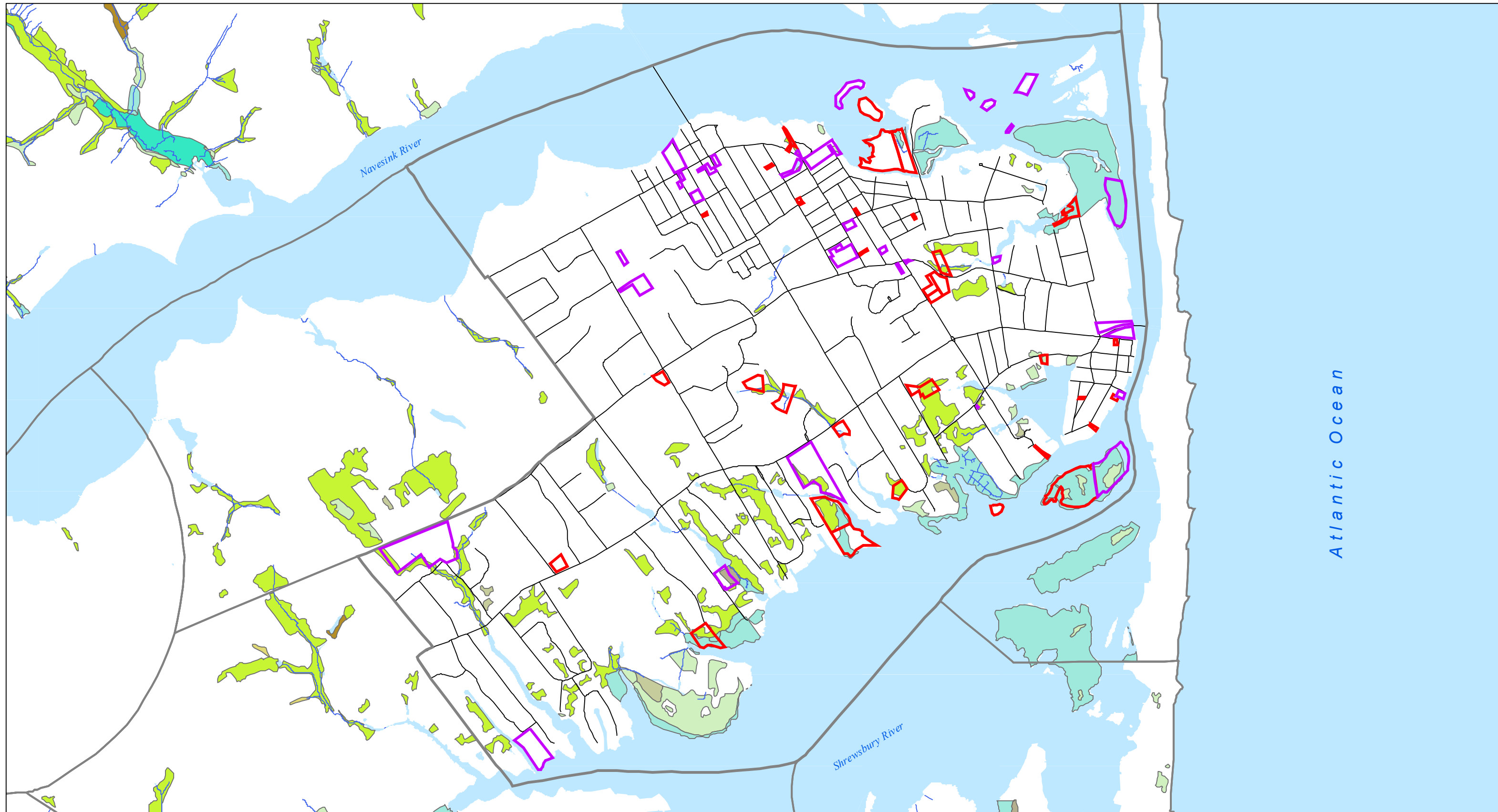


Environmental Constraints: Flood Prone Areas Borough of Rumson Monmouth County, NJ

- | | |
|---|---|
| 100-Year Flood | Municipal Property |
| 500-Year Flood | Vacant, Private |
| Velocity Hazard | Municipal Boundaries |
| Undetermined | Roadways |
| | Streams |
| | Water Bodies |

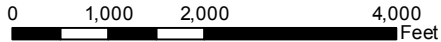


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Environmental Constraints: Wetlands Borough of Rumson Monmouth County, NJ

- | | | |
|----------------------------------|--|----------------------|
| AGRICULTURAL WETLANDS (MODIFIED) | MANAGED WETLANDS (MODIFIED) | Municipal Property |
| ATLANTIC WHITE CEDAR WETLANDS | MIXED FORESTED WETLANDS (CONIFEROUS DOM.) | Vacant, Private |
| CONIFEROUS SCRUB/SHRUB WETLANDS | MIXED FORESTED WETLANDS (DECIDUOUS DOM.) | Municipal Boundaries |
| CONIFEROUS WOODED WETLANDS | MIXED SCRUB/SHRUB WETLANDS (DECIDUOUS DOM.) | Roadways |
| DECIDUOUS SCRUB/SHRUB WETLANDS | MIXED SCRUB/SHRUB WETLANDS (CONIFEROUS DOM.) | Streams |
| DECIDUOUS WOODED WETLANDS | SALINE MARSHES | Water Bodies |
| DISTURBED WETLANDS (MODIFIED) | VEGETATED DUNE COMMUNITIES | |
| FRESHWATER TIDAL MARSHES | WETLAND RIGHTS-OF-WAY (MODIFIED) | |
| HERBACEOUS WETLANDS | | |



NOTE: This map was developed, in part, using Monmouth County Geographic Information System digital data, but this secondary product has not been verified by MCGIS and is not warranted by the County.

Appendix B:
Letter from Rumson Country Club

163 RUMSON ROAD
RUMSON, NJ 07760

TEL: (732) 842-3333
FAX: (732) 530-0751



Mayor John E. Ekdahl
80 East River Rd.
Rumson, NJ 07760

Dear John,

Thank you for your letter of March 8, 2004. The Board of Directors has discussed your request. Rumson Country Club doesn't have plans to sell or develop our property or change its use.

We do have plans to rehabilitate the Clubhouse and Poolhouse. These plans are in the preliminary stages. If you have any questions, please do not hesitate to contact me at any time.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bob".

Robert Jones
President
Rumson Country Club

Appendix C:
Previously Adopted Overlay Zoning and
Accessory Apartment Ordinance

**BOROUGH OF RUMSON
MONMOUTH COUNTY**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, ESTABLISHING
THE REQUIREMENTS FOR ACCESSORY APARTMENT UNITS IN THE R-1 AND R-2
ZONE DISTRICTS AND A MIXED-USE AFFORDABLE HOUSING OVERLAY OPTION
IN THE GB, NB, AND POB ZONE DISTRICTS IN ACCORDANCE WITH THE ADOPTED
HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF
THE BOROUGH OF RUMSON.**

PURPOSE

The purpose of this ordinance is to establish regulations and standards governing the development of low and moderate-income accessory units in the Borough's R-1 and R-2 Zones, and mixed-use affordable housing developments in the Borough's GB, NB, and POB Zones. The ordinance is designed to regulate low- and moderate-income accessory units and mixed-use affordable housing developments in a manner consistent with the regulations of the New Jersey Council on Affordable Housing (COAH) as described in N.J.A.C. 5:93-1 et seq.; the requirements of the Fair Housing Act of 1985; and the Borough's adopted Housing Plan Element and Fair Share Plan.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

Section 1. Section 22-2.4, Definitions, shall be amended to include the following new definitions:

ACCESSORY UNIT means a self-contained residential dwelling unit with a kitchen, sanitary facilities, sleeping quarters and a private entrance. An accessory unit may be created within an existing or new single-family residential dwelling, may be created within an existing or new accessory building on a lot containing a single-family dwelling, or be an addition to an existing single-family dwelling or accessory building.

LOW AND MODERATE INCOME ACCESSORY UNIT means an accessory unit deed restricted for occupancy by a low and moderate income household as defined by current COAH regulations.

MIXED-USE AFFORDABLE HOUSING DEVELOPMENT means a development containing a combination of uses, with nonresidential uses permitted in the district on the first floor and residential units on the upper floors, including residential units deed restricted for occupancy by low and moderate-income households as defined by current COAH regulations.

Section 2. Chapter 22, Development Regulations, of the code of the Borough of Rumson is hereby amended to delete existing Section 22-6.9 in its entirety and replace it with the following new Section 22-6.9:

22-6.9 Accessory Units

- a. ***General Requirements and Conditions.*** Accessory units shall be permitted as a conditional use in the R-1 and R-2 Zone Districts, provided that the use and buildings shall adhere to the following minimum standards and conditions:
1. No more than one accessory unit shall be permitted;
 2. The accessory unit shall comply with all applicable statutes and regulations of the State of New Jersey in addition to all local building codes;
 3. An accessory unit shall, for a period of at least 10 years from the date of the issuance of a certificate of occupancy, be rented only to either a low- or moderate-income qualified household as defined by COAH regulations at the time of initial occupancy of the unit;
 4. Rents of accessory units shall be affordable to low or moderate income households as per COAH regulations and shall include a utility allowance;
 5. Rent increases shall be in accordance with COAH-approved percentages;
 6. There shall be a recorded deed or declaration of covenants and restrictions applied to the property upon which the accessory unit is located running with the land and limiting its subsequent rental or sale within the requirements of paragraphs (2), (3), and (4) above;

7. Each accessory unit shall have living/sleeping space, cooking facilities, a kitchen sink and complete sanitary facilities for the exclusive use of its occupants. It shall consist of no less than two rooms, one of which shall be a full bathroom;
 8. The accessory unit shall have a separate door with direct access to the outdoors;
 9. The potable water supply and sewage disposal system for the accessory unit shall be adequate to service the unit;
 10. During the period in which affordability controls are in place, the accessory unit shall be affirmatively marketed to the housing region in accordance with COAH regulations and Section 22-7.35, Affirmative Marketing of Affordable Housing Units;
 11. Accessory units may be located in an existing accessory building so long as the existing building footprint of the building is maintained. Any additions to a principal or accessory building to accommodate an accessory unit shall conform to the setback requirements for principal buildings in the district.
 12. New freestanding accessory buildings containing accessory units shall conform to the setback requirements for principal buildings in the district.
- b. *Other Requirements.* All standards and requirements of the zone district, except as modified by this section, shall apply. The lot must contain a conforming principal dwelling except as otherwise permitted pursuant to Section 22-7.3, Nonconforming Uses, Buildings and Structures.
- c. *Administrative Entity.* The Borough has designated the Township of Middletown as the administrative entity that will administer the Borough's accessory apartment program. The Township of Middletown shall administer the program in accordance with COAH's regulations and pursuant to the following procedures and requirements:
1. The administrative responsibilities of Middletown Township shall include advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory unit program.
 2. Applicants for accessory apartments shall submit required application forms and documentation to the Borough's Administrative Officer, who shall transmit application materials to Middletown Township. Middletown Township shall only approve an application for an accessory unit if the project is in conformance with COAH's requirements, the Borough's Zoning Ordinance and Development Regulations, and this section. All approvals or denials shall be in writing with the reasons clearly stated.
 3. In accordance with COAH requirements, the Borough shall subsidize the physical creation of a low and moderate-income accessory units in accordance with current COAH minimum requirements or such additional amount as determined necessary by the Borough to create either a low or moderate-income unit meeting COAH's criteria. Prior to the grant of such subsidy, the property owner shall enter into a written agreement with the Borough insuring that: (1) the subsidy shall be used to create the accessory unit; and (2) the unit shall meet the requirements of this ordinance and COAH regulations.
- d. *Submission Requirements and Application Procedures.* Applicants for the creation of an accessory unit shall submit an application for a development permit and the required application information to the Borough Zoning Officer, who shall submit a copy of the application to Middletown Township, the administrative entity for the program.
1. Applicants shall submit the same information required for an application for a single-family dwelling, along with the following additional requirements:
 - a) For an accessory unit located within a principal building, a sketch of the floor plan(s) of the unit showing the location, size and relationship of both the accessory unit and the primary dwelling unit in the building;
 - b) For an accessory unit located in an accessory building, the floor plan of the accessory unit and all other rooms and building elements in the accessory building not used for residential purposes and their use (i.e. storage, garage, etc.);
 - c) Elevations showing any new construction and modifications of any exterior building façades to which changes are proposed; and
 - d) A site development sketch showing the location of the principal building and accessory buildings; all property lines; proposed additions if any, along with the minimum building setback lines; the required parking spaces for both dwelling units, and any site conditions which might affect development.

2. The Zoning Officer shall process the application in accordance with normal procedures. The issuance of a development permit or any affirmative action by a municipal agency shall be preceded by or conditioned upon approval by the Township of Middletown pursuant to this section.

- c. *Conversion of Existing Accessory Units.* Accessory units created prior to the adoption of this subsection or without proper permits may be converted to a low- or moderate-income accessory unit under the provisions of this section consistent with N.J.A.C. 5:93-5.9 of COAH's rules. All the requirements of this section and applicable COAH regulations shall apply, except that the Borough shall not provide a subsidy for the unit.

Section 3. Sub-paragraph d, "Conditional Uses," in Section 22-5.4, Regulations Controlling the R-1 Residential Zone District, is hereby amended to add the following new conditional use:

5. Accessory Units.

Section 4. Sub-paragraph d, "Conditional Uses," in Section 22-5.5, Regulations Controlling the R-2 Residential Zone District, is hereby amended to add the following new conditional use:

5. Accessory Units.

Section 5. Chapter 22, Development Regulations, of the code of the Borough of Rimson is hereby amended to add the following new Section 22-5.14:

22-5.14 Mixed-Use Affordable Housing Overlay Zone

- a. *Purpose.* The Mixed-Use Affordable Housing Overlay Zone is intended to provide a mixed-use overlay option in the Borough's GB General Business, NB Neighborhood Business, and POB, Professional Office Business Zones. The boundaries of the Mixed-Use Affordable Housing Overlay Zone shall be coterminous with the boundaries of each of the Borough's GB, NB, and POB Zones. Within the overlay zone district, the development of new mixed-use affordable housing developments or the conversion of existing non-residential uses to a mixed-use affordable housing development is permitted as an option to the uses otherwise permitted in GB, NB, and POB Zones.
- b. *General Requirements and Conditions.* Mixed-use affordable housing developments shall be permitted in the Mixed-Use Affordable Housing Overlay Zone, provided that the use and buildings shall adhere to the following minimum standards and conditions:
 1. A minimum of fifty (50) percent of the units must be affordable to low- and moderate-income households in accordance with COAH's criteria and regulations. If there is only one unit, it shall be an affordable unit.
 2. At least fifty percent of the affordable units shall be low-income units as defined by COAH. If there is only one affordable unit, the unit shall be a low-income unit.
 3. The unit(s) designated as low- or moderate-income units may only be occupied by a low- or moderate-income household at the time of the initial occupancy.
 4. All standards and requirements in the underlying GB, NB, and POB Zones shall be met, except as otherwise modified by this section.
 5. The ground floor of the building shall contain only nonresidential uses.
 6. On-site parking must be provided for all uses on site in accordance with Borough standards or if applicable, in accordance with RSIS standards.
 7. The units must be affirmatively marketed to the housing region in accordance with COAH's regulations and Section 22-7.35, Affirmative Marketing of Affordable Housing Units.
 8. The provisions of Section 22-7.36, Affordable Housing Developments, shall apply to mixed-use affordable housing developments, except that low and moderate income units shall be exempt from COAH's bedroom mix requirements as specified in Section 22-7.36(c).
- c. *Administrative Entity.*
 1. The Borough has designated the Township of Middletown as the administrative entity that will administer the affordable units created in accordance with the Borough's Mixed-use

Affordable Housing Overlay Zone. The administrative responsibilities of Middletown Township include advertising, income qualifying prospective renters, setting rents and annual rental increases, maintaining a waiting list, distributing the subsidy, securing certificates of occupancy, qualifying properties, handling application forms, filing deed restrictions and monitoring reports and affirmatively marketing the accessory unit program. The Township of Middletown shall administer the program in accordance COAH's regulations and the Section 22-7.35, Affirmative Marketing of Affordable Housing Units, and Section 22-7.36, Affordable Housing Developments.

2. The Borough retains jurisdiction on all other approvals required by this Chapter, including, but not limited to, development permits and variances, subdivision or site plan approvals.
- d. *Change in Use.* Any change in use effecting an approved mixed-use affordable housing development shall be subject to site plan approval by the Borough, except as otherwise exempted from site plan approval by this Chapter. The conversion of a non-affordable residential unit to an affordable unit shall be permitted, subject only to administrative approval by Middletown Township.

Section 6. Sub-paragraph d, "Conditional Uses," in Section 22-5.10, Regulations Controlling the Professional Office Building (POB) Zone District, is hereby amended to delete item 3, "Low and moderate income companion units," as a permitted conditional use in the district.

Section 7. Sub-paragraph d, "Conditional Uses," in Section 22-5.11, Regulations Controlling the General Business Zone District (GB), is hereby amended to delete item 3, "Low and moderate income companion units," as a permitted conditional use in the district.

Section 8. Sub-paragraph d, "Conditional Uses," in Section 22-5.12, Regulations Controlling the Neighborhood Business Zone (NB) District, is hereby amended to delete item 3, "Low and moderate income companion units," as a permitted conditional use in the district.

Section 9. This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth County Planning Board; and
2. Approval by COAH and/or the Court through the issuance of a Judgment of Repose or other appropriate order.


Section 10. If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 11. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.


Introduced: April 15, 2004.

Passed and Approved: May 6, 2004.

I hereby approve of the
passing of this ordinance.

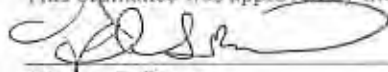

John E. Ekdahl
Mayor

Attest:


Thomas S. Rogers
Borough Clerk/Administrator

CERTIFICATION

I hereby certify that the above is a true
copy of an ordinance adopted by the
Borough Council of the Borough of Rumson
at a regular meeting held on May 6, 2004.
This ordinance was approved by the Mayor.



Thomas S. Rogers
Borough Clerk/Administrator

Appendix D:
List of Property Owners Interested in the
Creation of Accessory Apartment Units

2005

THOSE INTERESTED IN SUPPLYING AFFORDABLE HOUSING FOR
RUMSON:

Ginny Linnell
21 Ridge Road
Rumson, New Jersey 07760
732-530-0212

Linda Decelle
Blackpoint Road
Rumson, New Jersey 07760
732-936-9594

Kevin Fry
16 Washington Avenue
Rumson, New Jersey 07760
H - 732-842-7912
W - 732-730-0054
C - 732-768-6267

Justin King
732-673-1626

Tom Thees
2 Allencrest Road
Rumson, New Jersey 07760
732-530-5934

Joan Cambria
88 Avenue of Two Rivers
Rumson, New Jersey 07760
732-747-4298

Pam Vallas
64 Bingham Avenue
Rumson, New Jersey 07760
732-245-9555

Robert Gorski
Architect
119 E. River Road
Rumson, New Jersey 07760
732-842-8277

W. Paul Stout Realty, Inc.
91 East River Road
Rumson, New Jersey 07760
732-842-8745

Appendix E:
Information on Accessory Apartment
Program Administrator

November 3, 2005

Councilwoman DeVoe offered the following resolution and moved its adoption:

Resolution

WHEREAS, the Borough of Rumson, as part of its Affordable Housing Plan, is in need of an entity to administer the Borough's Mount Laurel Accessory Apartment Units and Mixed-use Affordable Housing Plan; and

WHEREAS, Middletown Township has agreed to offer the Borough the use of their Mount Laurel Department to administer and monitor these programs; and

WHEREAS, the Borough of Rumson has the approval of the Borough Attorney, Borough Engineer and Borough Special Counsel;

NOW, THEREFORE, BE RESOLVED, by the Mayor and Council of the Borough of Rumson that the Borough enter into an agreement with the Township of Middletown after the final draft of the agreement is approved by the Borough Attorney and the Borough Engineer; and

BE IT FURTHER RESOLVED that the Mayor and Borough Clerk/Administrator be authorized to sign this agreement after the Township of Middletown adopts said agreement.

Resolution seconded by Councilman Conaty and carried on the following roll call vote:

In the affirmative: Broderick, Conaty, Conklin, DeVoe, Kammerer and Rubin.

In the negative: None.

Absent: None.

CERTIFICATION

I hereby certify that the foregoing is a true copy of a resolution adopted by the Borough Council of the Borough of Rumson at a regular meeting held on November 3, 2005.



Thomas S. Rogers
Borough Clerk/Administrator

INTERLOCAL SERVICE AGREEMENT

This Agreement, dated this day of December, 2005, between the Township of Middletown, 1 Kings Highway, Middletown, New Jersey 07748 (hereafter Middletown) and the Borough of Rumson, 80 East River Road, Rumson, New Jersey 07760 (hereafter Rumson),

1. PURPOSE. In an effort to more economically and efficiently provide governmental services, Middletown and Rumson have agreed to have Middletown personnel provide certain services for the oversight and monitoring of the Affordable Housing Program instituted by Rumson as part of its COAH Compliance Program. The legal mechanism for such Interlocal services has been provided by N.J.S.A. 40:8A-1 et seq. and N.J.S.C. 5:23-4.6 ET SEQ. The Governing Bodies of Middletown and Rumson have determined that the mutual best interests of each municipality and its residents can be most efficiently and economically served by Middletown providing through its Community Development and Planning Offices certain services to Rumson in overseeing and monitoring Rumson's Affordable Housing program and receiving compensation through certain stipends and fees as set forth herein.
2. TERM. This Agreement shall commence on the effective date and terminate five (5) years thereafter, as per N.J.A.C. 5:23-4.6. However, either party has the right to terminate this Agreement for any reason on ninety (90) days written notice to the other party.
3. SERVICES. Middletown through its personnel will provide the following services to Rumson in overseeing and monitoring Rumson's Affordable Housing Program. Middletown will perform those services identified as its responsibility in the current adopted Housing Element and Fair Share Plan of Rumson including, but not limited to, those duties identified in Subsections 22-5.14, 22-6.9, 22-7.35 and 22-7.36 of the Code of Rumson. The

staff of each municipality will mutually cooperate so that the work is completed in a timely and proper manner.

- A) Middletown will use its own officials and employees for the services to be performed by Middletown and will not be hiring existing Rumson employees for said services. Rumson will maintain and staff and office in its Borough Hall and will provide at its expense necessary clerical staffing for that office, on a full or part time basis in Rumson's discretion. The Middletown Planning and Community Development Department Official will on occasion perform the services within its area of responsibility in or from the Rumson Office and may make recommendations as to clerical staffing for the Rumson office. However, any determination of clerical staffing level of the Rumson office shall be the determination of Rumson.
- B) The Middletown Community Development Official will assign appropriate Middletown personnel as necessary to perform its responsibilities as part of the review and monitoring of Rumson's affordable housing program in a reasonably timely manner. The Community Development Official will be available to both municipalities, and services will be performed in both municipalities on a first-come first-serve basis within the reasonable scheduling discretion of the Official.
- C) The Middletown Planning and Community Development Department Official and subordinates may remove and retain the particular files from the Rumson office in order to perform reviews, approval issuance, inspections and other required services in the field or at Middletown offices. After completion of necessary work or other final action in a matter, all records and files will be returned to the Rumson office and retained by Rumson.

D) All services provided by Middletown shall be done by appropriately qualified employees and shall be done in the manner prescribed by the COAH or other appropriate standards within the normal reasonable discretionary authority of said official.

4. PAYMENT. Middletown will be paid a stipend of \$4,000 within 30 days of the effective date of this Agreement as payment for costs incurred in setting up this interlocal service program and assigning and familiarizing the employees assigned to same. Middletown shall thereafter be paid an additional stipend of \$2,500 per year of the Contract, commencing with a payment of \$2,500, one year after the effective date, to cover annual overhead costs of maintaining its involvement in this interlocal program. In addition, Middletown shall be paid a flat fee of \$1,000 per application filed and reviewed; said fee to be paid by Rumson within 45 days after the filing of the Application.

5. LIABILITY. Middletown shall be responsible for workers compensation for all employees or officials performing work under this Agreement. Rumson shall be responsible for any general liability claims, claims under 42 U.S.C. Section 1983 liability, errors and omissions, and negligence against any employee or official arising out of their performance of services for Rumson or on Rumson matters arising out of this agreement. Rumson agrees to defend, indemnify and hold harmless Middletown and its agents and employees performing services from all claims, suits or judgements arising from the services performed for Rumson under this Agreement.

6. EFFECTIVE DATE. This Agreement will be effective upon approval by both Middletown and Rumson and receipt of appropriate authorization by COAH.

ATTEST

THOMAS S. RODGERS, CLERK

HEIDI ABS, CLERK

BOROUGH OF RUMSON

JOHN EKDAHL, MAYOR

TOWNSHIP OF MIDDLETOWN

THOMAS G. HALL, MAYOR

Appendix F:
Approving Resolution for Site Plan
Approval for Block 45, Lot 4 and Site Plan

RESOLUTION OF FINDINGS AND CONCLUSION
BOARD OF ADJUSTMENT
BOROUGH OF RUMSON
BLOCK 45, LOT 4

WHEREAS, River Road Holdings LLC has applied to the Board of Adjustment of the Borough of Rumson for permission for Preliminary and Final Site Plan Approval and variances to raze the existing former gas station structure and construct a new two story 5500 s.f. mixed use (residential/retail) building and appurtenant parking lot at the existing premises located at 89 East River Road and known as Block 45 Lot 4 on the Tax Map of the Borough of Rumson, located in the General Business (GB) Zone; and

WHEREAS, on August 9 and September 20, 2005 at a meeting of the Board, due notice having been given to the adjoining property owners and published in accordance with N.J.S.A. 40:55D-12 as appears by affidavits filed with the Board, and a quorum being present, the aforementioned application was heard; and

WHEREAS, the Board, after carefully considering the evidence presented by the applicant, including

A1 - Original Site Plan

A2- Preliminary and Final Site Plan, Sheets 1 through 6, Dated 7/9/03

revised through 12/2/04 by Kennedy Consulting Engineers LLC

A3- Architectural Plans, Sheets A1 (6/11/04), A2 (6/17/04), and A3 (6/17/04) revised through 11/23/04 by CDZ Architects LLC

A4- Revised Preliminary and Final Site Plan Sheets 1 through 6, dated

7/9/03 revised through 8/31/05, and then revised as a result of final comments at the September meeting through 10/ /05

A5- Traffic Report dated 9/12/05 by Gary Dean Associates

along with several site photographs, Borough Engineer review letters, and a Stormwater Management Report by Kennedy Consulting Engineers dated 7/9/03 revised 7/1/04, and, based upon the evidence and testimony, the Board has made the following factual findings:

1. The property consists of a abandoned former gas station structure, located on a rectangular corner lot having 100 feet frontage on River Road and 150 feet frontage on North Street. The applicant requests Preliminary and Final Site Plan approval along with a number of variances to demolish the existing building and construct a new two story 5500 s.f. mixed use building, having three proposed retail stores on the first floor and three two-bedroom rental apartments on the second floor. Ordinance Section 22-5.11a.2 does not permit residential apartments in the GB zone; therefore the proposed mixed use requires a "d" variance. In addition, the applicant requests variances for on-site parking (21 spaces required, 17 spaces proposed), sight triangle, and location of trash enclosure. The portion of the initial application related to signage was withdrawn, and the signage will conform or be subject to further application.

2. The application proffers that the three (3) apartment units shall be restricted affordable housing "units as that is defined by the Council on Affordable Housing (COAH) and Borough regulations; two units shall be "moderate" income and one unit "low" income. That restriction as part of the Borough's effort to meet an affordable housing obligation as defined by COAH was proffered as the beneficial use providing the positive criteria, so as to support the granting of the variances --- particularly the "d" variance. The Borough Council has adopted a zoning ordinance amendment that permits mixed-use affordable housing units in the B zone, including a mixed use project consisting of retail on the first floor and "affordable housing" restricted units on the second floor. This zoning amendment has not yet been approved by COAH or the Court, and therefore is not yet in effect at this time.

3. At the initial hearing date in August 2005, the Board was somewhat concerned about the on-site parking being sufficient, the drainage from the site, and the adequacy and location of the trash enclosure/receptacles. Neighbors also expressed concern over the parking and the location of the building and parking lot as providing an insufficient buffer to an adjacent residence on Lot 3.02. There was discussion as to various limitations on allowable retail uses in the premises, so as to eliminate or decrease the number of vehicles on the site so the lot would provide adequate parking. Also given the proximity to residences the applicant voluntarily offered and agreed to a limitation on the hours that the stores on-site would be open to not later than 10:00 p.m. Also the applicant proffered that one parking space would be reserved for each apartment; the other spaces would not be reserved for any specific premises but would be shared parking. After extensive discussion, the matter was carried to allow the applicant to consider a use limitation on the types of retail stores, to eliminate high traffic retail uses, and to provide a traffic and parking report. The applicant was also going to review the placement of the trash enclosure and provide additional landscaping.

4. At the September meeting, the applicant submitted revised plans which provided a different location for the trash enclosure, near the property line with Lot 3.02. In addition, the plans showed 6 foot evergreens along the rear line, a 6 foot wide sidewalk at the rear of the premises, and 14.5 foot buffer to the rear lot. Also, the applicant proffered or agreed to a restriction or prohibition of a number of potential retail uses, including the following: radio/TV stores; medical/dental/chiropractic clinics or offices; convenience stores; paint stores; dry cleaners; dance or fitness studio (if utilizing entire retail space); and any retail store offering food service, either prepared or pre-packaged and either on or off premises. After extensive discussion, the Board concluded that these limitations or prohibitions would eliminate high traffic and parking needs that would overwhelm the site and adversely impact the adjoining residential areas. The Board did agree that the applicant could reapply to the Board at an appropriate future date for a reconsideration of some of these prohibited and eliminated uses, which could be reconsidered in the Board's discretion if the applicant could demonstrate to the satisfaction of the Board that the site is or can function adequately as presently approved and

that the permitting of such reconsidered use could be properly allowed without adversely affecting the site or the surrounding neighborhood and within the parking and traffic limitations existing.

5. There was further discussion about the trash enclosures and their proper sizing and location. After considerable discussion and input from the neighbors, it was concluded that the trash enclosures should be for trash cans and located along with rear buffer area. The applicant was to submit revised plans showing the relocated trash enclosure. With those restrictions and revisions, the Board concluded that the supplying of 3 affordable housing rental units, to assist the Borough in meeting its affordable housing obligation, was an appropriate positive reason in favor of the application. The applicant had revised plans so as to mitigate many of the impacts from the proposed retail/residential uses. The potential for a parking/traffic problem had been addressed as best as possible. The site has existed as an abandoned gas station for a number of years, and renovation into a productive use will enhance the site and the general area.

6. The applicant revised the plans as a result of the revisions and requested and agreed to at the September meeting. The Board reviewed those revisions at the October meeting prior to adoption of this Resolution and found the revisions conformed to the representations and requests.

WHEREAS, based upon the foregoing testimony and findings of fact, the Board finds that with respect to the specific premises the purposes of the Land Use Act would be advanced by a deviation from the Zoning Ordinance and the requirements and the benefits of this deviation would substantially outweigh any detriment; and that the relief requested by applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zone Plan and Zoning Ordinance of the Borough of Rumson and to deny the application would result in peculiar and exceptional practical difficulties or exceptional and undue hardship upon the applicants.

NOW THEREFORE BE IT RESOLVED by the Board of Adjustment of the Borough of Rumson on this 17th day of October, 2005 that the application of River Road Holdings LLC for a variance for Preliminary and Final Site Plan Approval and variances to raze the existing former gas station structure and construct a new two story 5500 s.f. mixed use (residential/retail) building and appurtenant parking lot on the existing residence in accordance with the plans as agreed to and amended and the testimony and evidence presented at the hearing, be granted upon the following conditions:

1. That this variance will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.

2. All factual representations made on behalf of the applicants are incorporated herein as conditions of this variance.

3. The action of the Board of Adjustment in approving this application shall not relieve the applicants of responsibility for any damage caused by this project, nor does the Board of Adjustment or the Borough of Rumson accept or have any

responsibility or liability for the structural design of the project or for any damage which may be caused by the project.

4. The following must be accomplished prior to the issuance of a building permit:

a. Evidence must be provided by the applicant that the permits and approvals listed in subsection 22-3.4a,4 of the Development Regulations have, where applicable, been obtained.

b. Taxes must be current.

c. Performance guarantees, if required, must be provided by the applicant and accepted by the Borough.

d. If applicable, inspection fees as required by subsection 22-3.14m and n of the Development Regulations must be paid by the applicant.

e. Insurance certificates must be provided if construction of public improvement is involved.

f. Any outstanding review fees or escrow deficiency must be paid.

g. Notice must be published as required by subsection 22-3.3e,5 of the Development Regulations.

PERMANENT CONDITIONS

The following are Permanent Conditions and limitations on the use of the premises; the continued and intentional violation of which can be sufficient cause to revoke the Certificate of Occupancy for the premises and, after notice and a hearing, revoke or void this approval.

5. The three (3) residential units in the premises will be dedicated and deed restricted as affordable housing rental units (two moderate income units, and one low income unit) and will be included and subject to the Borough's affordable housing program. Prior to issuance of a Certificate of Occupancy, the owner will execute and record the appropriate deed restriction, in a form approved by the Borough or Board attorney, so as to deed restrict the premises and use of the residential units as affordable housing units. The owner will at all times cooperate with the Borough and the Council on Affordable Housing and comply with all applicable requirements and regulations for such units for the restricted period of 30 years as required under COAH regulations.

6. Each residential unit will have one (1), and only one (1) reserved parking space for that unit. The other parking spaces will be shared parking for all the uses in the premises.

7. The retail uses/stores on the premises will not be open or in operation past 10:00 p.m. The owner will provide notice to the tenants and include this limitation in any lease for the retail stores on the premises.

8. The retail units shall not be leased or operated for any of the following uses otherwise permitted in the GE zone.

- a. radio/tv stores
- b. medical/dental/chiropractic clinics or offices
- c. paint store
- d. convenience store
- e. dry cleaners

f. dance or fitness studios (if utilizing entire retail space)

g. any retail store that prepares or sells food products, either prepared or pre-packaged, for consumption either on or off premises

The applicant may at an appropriate future time request a reconsideration as to any of the above prohibited uses. The Board may in its discretion reconsider this Condition and remove the restriction (with or without appropriate conditions) as to any of these agreed prohibited uses, if the applicant demonstrates and the Board in its sole discretion determines that the site can adequately handle the additional parking and traffic impacts from the proposed use without adversely impacting the surrounding properties and neighborhood. Such application for reconsideration should be on notice to the public and adjoining owners.

Above Resolution moved by *MR. PARTON*
seconded by *MR. BROWN*, and on roll call the following vote was recorded:

In the Affirmative: *CONKLIN, MCGUIRE, BROWN, PARTON, WOOD,*
In the Negative: *KNIGGLER, MCCARTHY, BRODSKY, MURPHY*
Abstain: *NONE*

The foregoing is a true copy of a Resolution adopted by the Board of Adjustment of the Borough of Rumson at its meeting on October 18, 2005, as copied from the Minutes of the said meeting.

DATE: *October 18, 2005*

Frederick J. Amore
Secretary
Board of Adjustment

Appendix G:
Draft Ordinance Regulating
Development Activity on Block 8, Lot 4

**BOROUGH OF RUMSON
MONMOUTH COUNTY**

**AN ORDINANCE TO AMEND THE CODE OF THE BOROUGH OF RUMSON BY
AMENDING CHAPTER XXII, DEVELOPMENT REGULATIONS, ESTABLISHING
THE REQUIREMENTS FOR AFFORDABLE MULTIPLE DWELLING
DEVELOPMENT ON BLOCK 8, LOT 4 IN ACCORDANCE WITH THE ADOPTED
HOUSING PLAN ELEMENT AND FAIR SHARE PLAN OF
THE BOROUGH OF RUMSON.**

PURPOSE

The purpose of this ordinance is to establish regulations and standards governing the development of affordable multiple-dwelling housing on the property known as Block 8, Lot 4 in the Borough of Rumson in accordance with the Borough's Housing Plan Element and Fair Share Plan. The ordinance will permit the development of a maximum of seven (7) dwelling units on the site, so long two (2) of the units are rental units affordable to low-income households in accordance with the regulations of the New Jersey Council on Affordable Housing (COAH) as described in N.J.A.C. 5:94-1 et seq.; the requirements of the Fair Housing Act of 1985; and the Borough's adopted Housing Plan Element and Fair Share Plan.

BE IT ORDAINED by the Mayor and Council of the Borough of Rumson, in the County of Monmouth, that it does hereby supplement and amend Chapter XXII of the Code of the Borough of Rumson as follows:

Section 1. Sub-paragraph a, "Permitted Uses," in Subsection 22-5.10, Regulations Controlling the POB Professional Office Business Zone District, is hereby amended to add the following new permitted use:

6. Affordable multiple-dwelling development shall be permitted on Block 8, Lot 4, in accordance with the standards and requirements of sub-paragraph f of this subsection.

Section 2. Subsection 22-5.10, Regulations Controlling the POB Professional Office Business Zone District, is hereby amended to add the following new sub-paragraph:

- f. Except as otherwise set forth this Ordinance, an affordable multiple-dwelling development shall be governed by the following standards:
 1. Maximum permitted density: 12 units per acre
 2. Maximum total number of units: seven (7) units
 3. Minimum required affordable units: two (2) units
 4. The affordable units shall be non-age restricted rental units affordable to low-income households as defined by the regulations of the New Jersey Council on Affordable Housing.
 5. All units within the development shall be separated by vertical walls (i.e., townhouse-style units), except that the affordable units may be of a stacked apartment flat design within an townhouse-style structure similar in design, quality, appearance and quality of finish to the balance of the structure.
 6. All standards and requirements in the POB Zone District for residential uses that are permitted according to the R-5 Zone District standards shall be met, except as modified or supplemented as follows:
 - a. Minimum primary front yard setback from Lafayette Street: 35 feet
 - b. Minimum secondary front yard setback from Hunt Street: 25 feet
 - c. Minimum side yard (south boundary) for principal structures: 15 feet
 - d. Minimum rear yard (east boundary) for principal structures: 40 feet
 - e. Minimum lot and building coverage and maximum floor area ratio shall not apply; however, the minimum landscaped area shall be 40 percent of total lot area.
 - f. Maximum height of a principal building shall be as shown in Schedule 5-2 for the R-1 and R-2 Zone Districts. Maximum height of an accessory building shall be as shown in Schedule 5-2 for the POB and R-5 Zone Districts.
 - g. Parking areas and driveways shall be fully screened and buffered from adjoining uses through plantings and fencing. Parking areas shall not be located

less than five (5) feet from the rear (east) property line, nor less than 10 feet from the side (south) property line.

- h. Accessory uses shall be provided in accordance with Subsection 22-5.10.b. as modified by the New Jersey Residential Site Improvement Standards (RSIS).
7. The affordable units must be affirmatively marketed to the housing region in accordance with Subsection 22-7.35, "Affirmative Marketing of Affordable Housing Units;" the Borough's Affirmative Marketing Plan; and the requirements for affirmative marketing as set forth in COAH regulations (N.J.A.C. 5:94-7 et seq.).
8. The provisions of Subsection 22-7.36, "Affordable Housing Developments and the requirements for affordable housing projects as set forth in COAH regulations (N.J.A.C. 5:94-1 et seq.)," shall apply to the affordable multiple-dwelling development.

Section 3. This ordinance shall take effect immediately upon:

1. Final passage and publication according to law and filing with the Monmouth County Planning Board; and
2. Approval by COAH and/or the Court through the issuance of a Judgment of Repose, the grant of substantive certification, or other appropriate order.

Section 4. If any section, subsection, clause, or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the remaining portions of this ordinance.

Section 5. All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Introduced: _____

Passed and Approved: _____

I hereby approve of the
passing of this ordinance.

John E. Ekdahl
Mayor

Attest:

Thomas Rogers
Borough Clerk/Administrator

CERTIFICATION

I hereby certify that the above is a true
copy of an ordinance adopted by the
Borough Council of the Borough of
Rumson at a regular meeting held on
_____. This ordinance was
approved by the Mayor.

Thomas Rogers
Borough Clerk/Administrator